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# REPORT

[and Index of Subjects.]

Government Publications

OF THE

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# ROYAL COMMISSION

ON THE

# LIQUOR TRAFFIC IN CANADA

2 vol. in 1.

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Vol. 4.—Province of Ontario (two parts).

Vol. 5.—United States.

## ERRATA.

On page 516, tenth line from top, instead of "are in vol. V.," &c., read "will be found on pp. 53-55 of this volume."

On page 530, eleventh line from top, instead of "App. No. 94," read "see p. 56 of this volume"; on 36th line from top, instead of "App. No. 98," read "see pp. 48-51 of this volume"; on twelfth line from foot, instead of "see volume 7," &c., read "see p. 51 of this volume."

COMMISSION appointing SIR JOSEPH HICKSON *et al.*, Commissioners to investigate and report upon the question of Liquor Traffic in Canada. Dated, March 14, 1892. Recorded, March 23, 1892.

L. A. CATELLIER,
*Deputy Registrar General of Canada.*

*STANLEY OF PRESTON,*

CANADA.

[L.S.]

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland,* QUEEN, *Defender of the Faith, &c., &c., &c.*

ROBERT SEDGEWICK
Deputy Minister of
Justice, Canada.

To Sir JOSEPH HICKSON, of the City of Montreal, in the Province of Quebec, Knight; Herbert S. McDonald, Esquire, Judge of the County Court of the United Counties of Leeds and Grenville, in the Province of Ontario; Edward F. Clarke, Esquire, of the City of Toronto, in said Province of Ontario, and a member of the Legislative Assembly of the said Province; George Auguste Gigault, of St. Césaire, in the Province of Quebec; and the Reverend Joseph McLeod, of the City of Fredericton, in the Province of New Brunswick, Doctor of Divinity, and to all whom the same may in any wise concern, —GREETING:

WHEREAS it is deemed expedient to obtain for the information and consideration of Parliament the fullest and most reliable data possible respecting:—

1. The effect of the Liquor Traffic upon all interests affected by it in Canada;

2. The measures which have been adopted in this and other countries with a view to lessen, regulate or prohibit the traffic;

3. The results of these measures in each case;

4. The effect that the enactment of a Prohibitory Liquor Law in Canada would have in respect of social conditions, agricultural business, industrial and commercial interests, of the revenue, requirements of municipalities, provinces and of the Dominion, and also as to its capability of efficient enforcement;

5. All other information bearing upon the question of Prohibition;

AND WHEREAS it is expedient that a Commission be issued to competent persons for the purpose of obtaining such data and information;

AND WHEREAS it is in and by "The Revised Statutes of Canada," chapter 114, intituled "An Act respecting Inquiries concerning Public Matters," amongst other things in effect enacted, that whenever the Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof, and such inquiry is not regulated by any special law, the Governor in Council may by the Commission in the case confer upon the Commissioners or persons by whom such inquiry is to be conducted the power of summoning before them any witnesses, and of requiring them to give evidence on oath, orally or in

writing, or on solemn affirmation, if they are persons entitled to affirm in civil matters, and to produce such documents and things as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine;

And Whereas it is expedient that inquiry under oath should be made into and concerning the matters and things hereinbefore mentioned and set out;

Now Know Ye that under and by virtue of all and every powers and power vested in Us in that behalf, and by and with the advice of Our Privy Council for Canada, We, reposing trust and confidence in your loyalty, integrity and ability have nominated, constituted and appointed and do hereby nominate, constitute and appoint you the said Sir Joseph Hickson, Knight, you the said Herbert S. McDonald, you the said Edward F. Clarke, you the said George Auguste Gigault, and you the said Joseph McLeod to be Our Commissioners for the purpose of obtaining the desired data respecting:—

1. The effects of the Liquor Traffic upon all interests affected by it in Canada;
2. The measures which have been adopted in this and other countries with a view to lessen, regulate or prohibit the traffic;
3. The results of these measures in each case;
4. The effect that the enactment of a Prohibitory Liquor Law in Canada would have in respect of social conditions, agricultural business, industrial and commercial interests, of the revenue requirements of Municipalities, Provinces and of the Dominion, and also as to its capability of efficient enforcement;
5. All other information bearing on the question of Prohibition.

And under and by virtue of the powers vested in Us by the Statute lastly hereinbefore recited, We do hereby authorize and empower you, or any, or either of you, as such Commissioners or Commissioner to summon before you any witnesses, and to require them to give evidence on oath orally, or in writing, or on solemn affirmation, in case they are persons entitled to affirm in civil matters and to produce such documents and things as you Our said Commssioners shall deem requisite to the full investigation and report of the matters into which you are hereby appointed to inquire and report.

To have, hold, exercise and enjoy the said office, place and trust unto you the said Sir Joseph Hickson, Knight; you the said Herbert S. McDonald; you the said Edward F. Clarke, you the said George Auguste Gigault and you the said Reverend Joseph McLeod, together with the rights, powers, privileges and emoluments unto the said office, place and trust of right and by law appertaining during pleasure.

And We do appoint you the said Sir Joseph Hickson to be the Chairman of Our said Commissioners.

And We do hereby require and direct you to report to Our President of Our Privy Council for Canada the result of your investigation together with the evidence taken before you and any opinion or remarks you may see fit to make thereon, and any recommendation in respect thereof.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Well-Beloved The Right Honourable Sir Frederick Arthur Stanley, Baron Stanley of Preston, in the County of Lancaster in the Peerage of the United Kingdom, Knight Grand Cross of Our Most Honourable Order of the Bath, Governor General of Canada.

At Our Government House, in Our City of Ottawa, this fourteenth day of March, in the year of Our Lord one thousand eight hundred and ninety-two, and in the Fifty-fifth year of Our Reign.

By Command,

L. A. Catellier,
*Under Secretary of State.*

*To His Excellency the Right Honourable Sir John Campbell-Hamilton Gordon, Earl of Aberdeen, &c., &c., &c., P.C., LL.D., B.A., &c., &c., &c., Governor General of Canada, &c., &c., &c.*

May it please Your Excellency:

The Commissioners appointed by the Royal Commission, dated the 14th March, 1892, to obtain evidence in regard to the liquor traffic, presented on the 4th June, 1894, an interim report, with the evidence taken in the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Quebec.

They have now to present their final report, with the evidence taken in the Provinces of Ontario, Manitoba, British Columbia, and the North-west Territories, and that collected in the States of California, Kansas, Iowa, Minnesota, Maine, Massachusetts, Nebraska and Illinois, which were visited by members of the Commission.

The inquiries of the Commissioners have extended over a much longer period than they anticipated would be necessary when they commenced their investigation, the result, in a very large measure, of the almost entire absence of general systematized data or information in regard to the traffic and the interests affected by it. They found themselves in the position of having to communicate by correspondence with the provincial and municipal authorities throughout the provinces of the Dominion, and with a very large number of persons outside the Dominion. Much of the information at first obtained was either fragmentary or was found to be inaccurate or unreliable.

In the Provinces of New Brunswick or Nova Scotia, no license fees are collected by the Provincial Governments, with the exception of some small amounts for licenses to vendors of liquor for medical purposes, and apparently no regular returns have been made of the licenses issued and the amounts collected by the municipalities for license fees, or for fines inflicted for breaches of the liquor laws.

The Scott Act was in force over the whole of Prince Edward Island for a period of ten years. In Charlottetown, after it was repealed in 1891, there was practically free sale up to 1894, when the Act was again voted upon and carried by a small majority.

In Quebec the licenses are issued by the Government, but the municipalities are allowed to collect certain sums in addition to the fees charged, and of these collections no returns have been made to the Provincial Government.

In Ontario a well understood and efficient administration system is in force, and there is collected in central offices in Toronto full information as to the number of licenses issued, the amounts received by the province and the municipalities respectively, therefor, and also the amounts collected for fines for breaches of the law.

In Manitoba where the system is much the same as in Ontario, it has not been found practicable to obtain a return of the number of licenses issued prior to 1888, nor of the amounts received by the municipalities as fees prior to 1889.

The North-west Territories have been under exceptional legislation, and much valuable information in regard to the traffic therein has been reported from year to year through the Department of the Interior.

In British Columbia certain licenses are issued by the Provincial Government, and the fees for them are collected and paid into the Provincial Treasury; but there are other licenses issued by the municipalities of which no returns are made to the Government.

After renewed attempts, both by direct communication and through the provincial authorities, it has only been possible to obtain partial returns of the number of licenses issued by the municipalities and of the amounts collected by them, and it

has proved altogether impracticable to obtain statements of the expenditure incurred by the Provincial Governments and Municipalities in connection with matters which may, and by some are claimed to, have direct relation to the liquor traffic.

The reply of the Hon. Mr. Blair, Prime Minister of New Brunswick, to the request of the Commission for information, was:—"The Government in New Brunswick does not receive anything by way of license from the liquor traffic. All licenses granted under the New Brunswick Liquor License Act issue from the municipalities, and license fees are payable to them. * * * We are not supplied with information as to the number of prisoners committed to jail, nor of the poor receiving relief, nor as to the number of homes and almshouses for the poor, nor cost of maintaining jails, nor cost of maintaining prisoners in jails, nor the number committed for drunkenness, nor the cost per head for maintaining them."

The Provincial Government of Nova Scotia does not get any returns, and in that respect is in exactly the same position as the Government of New Brunswick. The Government of British Columbia does not secure returns of the number of licenses issued or of the amounts collected by municipalities either as fees or fines.

Such information as has been obtained by communication with the municipal authorities will be referred to hereinafter.

The sittings of the Commissioners have been attended by representatives of the temperance organizations of the Dominion ; very many of them by the Secretary of the Dominion Alliance, Mr. Spence ; oft-times, simultaneously, by Mr. Spence and representatives of the Provincial organizations, who also attended in his absence. Mr. Louis P. Kribs, of Toronto, attended the great majority of the sittings of the Commission in the interests of those engaged in the liquor traffic. Both Mr. Spence and Mr. Kribs gave evidence before the Commission, which deserves the consideration of all interested in the subject under investigation. They present the question from directly opposite standpoints.

The first clause of the Commission under which the undersigned have been acting, instructs them to inquire and report upon

"THE EFFECTS OF THE LIQUOR TRAFFIC ON ALL INTERESTS AFFECTED BY IT IN CANADA."

A literal compliance with the terms of this clause of the instructions to the Commissioners, the undersigned have found to be impracticable. The interests are so varied, numerous and extensive, and the data available so limited and imperfect, that they find themselves unable to do more than refer to the most prominent of these interests, and to supply such information in regard to them as they have been able, after every reasonable effort on their part, to collect.

Inquiries into the effects of the liquor traffic upon the communities where it is carried on have been met everywhere by an almost entire absence of systematized statistics and information. The advocates of particular systems of dealing with the traffic have sought only, apparently, for facts which would tell in support of their particular views, and, although there is an abundance of literature, really reliable statistics from which safe general conclusions can be drawn, either do not exist, or, existing, are so scattered as to be unavailable. This matter formed a subject for discussion at the International Conference on Alcohol, held at the Hague in the summer of 1893. The following is an extract from the report of the proceedings, kindly procured by Sir Charles Tupper, Bart., for the use of this Commission:—

"Mr. Berner, of Christiania, said:—All those who have made a special study of the subject for which congress is called will have felt keenly the total want of reliable statistics as to the extent and result of intemperance in various respects. The statistics and information given ought to be derived from more reliable sources. Perhaps the temperance friends in the different countries ought to appoint a committee for each country to gather such information. I have no doubt but that the Norwegian authorized companies would contribute towards the expenses of such

a measure. But I have thought that the authority to be applied to upon this subject should be the International Statistical Congress, which is to be held next month in Chicago. I therefore beg to move that we send a memorial from this congress to the Statistical Congress of Chicago about gathering information. I admit that it would be desirable if we could point out a detailed plan for the statistical work wanted by us and our temperance friends; but as the matter stands, I shall leave this to the Statistical Congress. I beg to move:—'The present congress asks its president to send a memorial to the International Statistical Congress, to be held next month in Chicago, to consider the question of obtaining international statistics as to the total production and consumption of intoxicating liquors (brandy, wine and beer), their taxation, prices of production and sale. number of drink shops, number of those arrested for drunkenness, extent of crime and sickness, etc., caused by alcoholic liquors, and the social causes and effects of intemperance.'"

There has just recently been laid before the British Parliament, printed, and circulated, a despatch from the British Minister at Washington to the Right Honourable the Earl of Rosebery, dated January 15, 1894, enclosing a report from Mr. Michael Herbert to Sir Julian Pauncefote on the liquor traffic legislation in the United States since 1889. Mr. Herbert's report is mainly founded on information supplied by Her Majesty's consuls. He remarks in the very first page:—"I have found it very difficult to obtain reliable or properly classified statistics in regard to the working of the liquor laws in the various States of the Union, and those with which I have been furnished are drawn up in an entirely different manner in each state, and are consequently useless for purposes of comparison or insertion in this report. I have, therefore, in the absence of any statistical proof of their effect, confined myself in a great measure to describing the provisions of the liquor laws enacted since 1889."

The report on the traffic in Pennsylvania contains the following paragraph:—"In view of the entire absence of statistics, and the contradictory experience of officials, evidencing apparently different effects in different cities, it would seem hardly possible to form a conclusive opinion of the working and effects of the Act (The Brooks High License Act) in the State of Pennsylvania." Again, after quoting the nationality of those who carry on the saloon business in the city of Philadelphia, the report states:—"Other cities in the State of Pennsylvania have no statistical or other records from which any information on this subject can be gathered, although the Mayor of Harrisburg states that his 'personal experience in dealing with criminals justifies the assertion that high license has a tendency to increase the number of drunkards.' While the Mayor of Reading, on the other hand, says, 'As the chief executive of this city, there appears to be a decided improvement under the operation of the present Act, known as the Brooks High License.'"

In the report from Michigan it is stated as the opinion of the Mayor of Kalamazoo that "the high license excludes from the liquor business many of the worst or semi-criminal class who would otherwise open low places, and who would be hard to control. My experience has been that the greater number of places at which intoxicating liquors are sold, the greater number who drink." The report then says: "It appears impossible to obtain statistics, either for that city or the state, which would prove the accuracy of the foregoing opinion."

Of Ohio it is stated "that there is no system for the collection of statistics in Ohio which would show the practical working and effect of the above law—(An Act providing against the evils resulting from the traffic in intoxicating liquors)."

Practically the same observation is made in regard to the State of Kentucky.

These reports corroborate the statements made in communications received from the governors of several of the States of the Union by this Commission, and what is said therein is to a very large extent true in regard to the traffic in the Dominion.

It is, perhaps, desirable, before attempting to examine into the effect of the liquor traffic in Canada, to endeavour to realize the extent of it, and, as far as practicable, the changes which have taken place in the character and volume thereof.

The following are the quantities of spirits and beer made in Canada between 1880 and 1893, both years included, and the quantity of spirits remaining on hand:—

| Year. | Spirits. | | Beer and Ale. |
|---|---|---|---|
| | Gallons made. | Quantity remaining on hand. | Gallons made. |
| 1880 | 2,996,986 | 1,719,737 43 | 9,201,213 |
| 1881 | 3,048,146 | 1,370,206 29 | 9,931,176 |
| 1882 | 4,028,847 | 1,642,577 22 | 12,036,979 |
| 1883 | 4,281,209 | 1,841,123 05 | 12,757,444 |
| 1884 | 4,207,576 | 2,201,034 27 | 13,098,700 |
| 1885 | 3,579,333 | 1,242,196 82 | 12,071,752 |
| 1886 | 4,355,736 | 2,832,474 25 | 13,282,261 |
| 1887 | 5,119,506 | 4,563,977 42 | 14,786,285 |
| 1888 | 5,514,590 | 7,423,207 70 | 15,944,002 |
| 1889 | 5,847,509 | 9,948,182 30 | 16,363,349 |
| 1890 | 5,091,476 | 11,099,179 17 | 17,196,115 |
| 1891 | 4,397,596 | 12,415,785 98 | 18,069,303 |
| 1892 | 3,498,231 | 12,836,079 48 | 16,946,245 |
| 1893 | 3,856,954 | 13,502,813 57 | 17,175,356 |

In 1886, an Act was passed (cap. 34), which provided that, on and after the 1st of July, 1887, no spirits, subject to excise, should be entered for consumption which had not been manufactured for at least twelve months, and after the 1st of July, 1890, no such spirits should be entered for consumption which had not been manufactured for at least two years. There were some exceptions made in regard to spirits required for manufacturing purposes, and power was given to the Department of Inland Revenue to permit the removal for consumption, under regulations of the Governor General in Council, of one-third part of the yearly product of any licensee whose license was granted after the 20th day of March, 1885, and who was still the holder thereof on the 20th March, 1888, at any time after being warehoused, during the two years next following the date of the issue of such license. (51 Vic., cap. 16, sections 4 & 5.)

Taking malt liquors at an average of 30 cents per gallon, and spirits at an average of 60 cents per gallon, and the average quantities manufactured in the five years 1889 to 1893, and estimating the value of animals fed and sold, and the refuse products sold, as being about $800,000, the total output per annum would represent:—

| | Gallons. | Value. |
|---|---|---|
| Whiskey | 4,538,000 @ 60c | $2,722,800 |
| Beer and Ale | 17,150,000 @ 30c | 5,145,000 |
| *Cattle fed and sold and grains and slop sold | | 800,000 |
| | | $6,667,800 |

Figures obtained from the census returns for 1891 give the value of the product of distilleries as $2,200,000, and of breweries as $5,732,000.

The principal materials used in the manufacture of liquors are the product of the farm. They consist of Indian corn, barley, rye, wheat, oats, buckwheat, hops, apple and pear pomace, grape pomace, and ground grapes to a limited extent. A carefully prepared estimate of the value of these raw materials based in nearly every instance upon the average quantities used, as nearly as they could be ascer-

*The representative of the distilleries and brewers estimated that the cattle fed and sold, and the grains and slop sold, amounted to $800,000, and $720,000, $1,520,000, but these figures include profits on cattle fed outside the distilleries and breweries, partly on the grains and slop sold, which profits do not belong to the output of these establishments.

tained, in the five years ended 1893, shows that they yielded to the producers about $1,888,765 per annum, to which has to be added the amount paid to farmers for cattle for feeding and for hay used in feeding them, probably $434,000, and a further amount paid for provender for horses employed in doing cartage, etc., of say $60,000, making a total of $2,382,765.

The feeding of cattle in connection with brewing and distilling establishments has reached large dimensions. The returns obtained by the Statistical Bureau, and supplied to this Commission, from six establishments, show that, combined, the yhad purchased 7,531 cattle, at a cost of $264,170; 410 hogs, at a cost of $2,050, making a total of $266,220 paid in one year for animals for feeding purposes. The returns also show that these animals had consumed 9,896 tons of hay, which estimated at a cost of $10 per ton, would be equal to $98,960. The two sums make $365,180. The returns obtained do not embrace all the establishments in the country, and it is probable that this branch of the business of brewers and distillers affords a market for farm products, equal to quite $434,000 a year. It may be stated that the amount realized from the sale of the cattle and hogs already mentioned was returned at $516,940; and if the product of all the establishments is included, the amount is probably over $600,000 per annum, apart from the amount received for grains and slop sold.

The growing of hops is an important agricultural industry, as it, to a greater extent than any other pursuit affected by the liquor traffic, leads to the employment of labour. One gentleman who gave evidence before the Commission (page 946, vol. 4.), farming about 150 acres of land, producing barley, and in part, hops, stated that, in the picking season, he had at times as many as ninety pickers per day employed.

Deducting from the preceding total, $2,382,765, the value of Indian corn, hops and malt imported, the remainder would represent the sum of $1,596,343, which is a reasonable estimate of the interest of the agricultural classes of the Dominion in the materials made use of annually in, and in connection with, the manufacture of spirituous and malt liquors in Canada.

In addition to the materials just referred to, there is a large amount of fuel used in distilleries and breweries. An exact statement of the total quantity so used, and the proportion of Canadian and foreign coal, it has not been practicable to obtain. Looking at the consumption in some of the larger establishments which have made returns, the Commissioners think that it is probable that the domestic fuel consumed annually is of the value of about $41,000, and imported, $129,000 exclusive of duty.

There is a large business carried on in the making of barrels for use in breweries and distilleries, and there is also a large trade in bottles, corks, capsules, etc., which are incidental to the brewing and distilling business. Heavy expenditure is incurred for advertising, show cards, and printing, repairs, blacksmith's work, ice, water supply, gas, taxes, insurance and sundries. The following statements has been compiled from information supplied by the representative of distillers and brewers, when giving evidence before the Commission. The figures represent estimated annual expenditure for:

| | |
|---|---|
| Casks, bottles, cases | $206,455 |
| Capsules, corks, etc | 76,186 |
| Printing, advertising, show cards, etc | 79,897 |
| Insurance | 151,685 |
| Gas, taxes, and water supply | 123,118 |
| Repairs and blacksmith's work, etc | 47,005 |
| Ice | 36,757 |
| Sundries | 121,992 |
| | $843,095 |

The Commissioners have had no means of checking these items of expenditure. They believe them to have been put forward in good faith, but, in some cases, it is not entirely clear that an accurate distinction has been made between what should be considered as stock in trade, and annual expenditure for supplies. Analyzing the items as well as the information obtained will permit, the amount may be classified as:—

| | |
|---|---|
| For domestic or Canadian supplies and services | $719,846 |
| For imported supplies | 123,249 |
| | $843,095 |

Then, a large sum is paid for transportation charges on raw material and the products of breweries and distilleries. The items are scattered through so many channels, and in such great detail, that an accurate estimate can hardly be made. The representatives of the brewers and distillers, in his evidence, put down the amount at $571,178; but certain items were included for the transportation of cattle fed with the grains and slop of the distilleries and breweries after leaving these establishments, which the Commissioners think should not be included, whilst on the other hand no account has been taken apparently of the charges for transportation of the supplies of the retail dealers from the wholesale establishments. The total charges are probably not less than $450,000 per annum, apart from the charges on imported spirits, wine and beer, and the amount paid for the retail supplies, distributed throughout the country.

The census returns of 1891 showed that there were employed in connection with distilleries 404 persons; in connection with breweries, 1865; in malt houses, 45. If to these is added an estimate for those employed in the making of barrels, etc., used in breweries and distilleries, of, say, 60, the total number employed will be found to be 2,374. These figures probably include the office staff and officials, but exclude those engaged in feeding and shipping cattle.

In the same census returns, the amount paid for wages in breweries, distilleries and malt houses, was stated to be $1,164,046. If to this is added, say, $30,000, for the wages of those employed in the making of barrels, etc., outside these establishments, the total is $1,194,046.

The foregoing statistics do not take into account those employed in the making of cider. The census returns of 1891 gave the following figures in regard to this business,—

| | |
|---|---|
| Capital invested | $136,795 |
| Wages paid | 47,129 |
| Value of products | 186,835 |
| Number of industries | 175 |
| Number of employees | 321 |

The preceding statistics do not include the persons engaged in the making of native wines, the figures in regard to which, given in the census returns of 1891, were,—

| | |
|---|---|
| Capital | $396,475 |
| Wages paid | 37,955 |
| Value of product | 249,489 |
| Number of industries | 41 |
| Number of employees | 150 |

Accepting the preceding figures as approximately correct, we reach this result. There is paid by brewers and distillers annually:—

| | |
|---|---|
| For raw material, the product of the farm | $2,382,765 |
| For wages | 1,194,046 |
| For fuel | 170,000 |
| For transportation | 450,000 |
| For casks, bottles, cases, etc | 206,455 |
| For capsules, corks, etc | 76,186 |
| For printing, advertising, show cards, etc | 79,897 |
| For repairs, blacksmith's work, etc | 47,005 |
| For insurance | 151,685 |
| For gas, taxes, water supply, etc | 123,118 |
| For ice | 36,757 |
| For sundries | 121,992 |
| | $5,039,906 |

Of this sum of $5,039,906, it is estimated that there is paid about $1,038,671 for imported materials, leaving $4,001,235 as the sum paid for Canadian products, wages, etc.

The undersigned desire to repeat that many of these figures are estimated. Every care has been taken in their preparation and they are believed to convey a reasonably accurate idea of the extent of the various interests to which they refer.

There are (in addition to the home manufacture,) imported wines, spirits and malt liquors, which, on an average of five years, amount to

| | | |
|---|---|---|
| 1,089,663 | gallons | spirits |
| 391,397 | " | malt liquors |
| 520,258 | " | wines, |

and the entered value of which is $1,736,897. This is exclusive of duty. The freight, insurance and charges will amount to an additional sum of $165,000. The $1,736,897, is sent out of Canada to pay for imported liquors. On the other hand, employment is given to a small number of persons who handle them after they are imported, and there are a certain number of wholesale houses a part of whose profits is derived therefrom.

The following figures showing the capital invested in brewing and distilling establishments have been obtained from the census returns of 1891.

| | | |
|---|---|---|
| Distilleries:— | | |
| Nova Scotia | $ 190,000 | |
| Ontario | 6,864,000 | |
| | | $ 7,054,000 |
| Breweries:— | | |
| British Columbia | $ 236,380 | |
| Manitoba | 277,300 | |
| New Brunswick | 114,000 | |
| New Scotia | 569,557 | |
| Ontario | 5,305,805 | |
| Prince Edward Island | 12,000 | |
| Quebec | 1,796,411 | |
| | | 8,311,453 |
| Malt-houses:— | | |
| Ontario | $ 220,000 | |
| Quebec | 3,500 | |
| | | 223,500 |
| Total | | $ 15,588,953 |

It is probable that, in addition to the foregoing, a considerable amount of money is required to carry the large stocks of liquor which have been kept on hand, in compliance with the law, and to cover credits given by the manufacturers to the vendors, which the evidence taken by the Commission shows is also a large amount. (Q. 12,173*a*—12,177*a*.)

Of the capital invested in buildings which are used for the purposes of hotels and retail liquor selling establishments, and in fixtures and appliances used in carrying on that business, it is only possible to form approximate estimates. An accurate statement of the value of estate occupied by those engaged in the liquor trade throughout the Dominion, and of the fittings and appliances, could only be obtained by census being taken under Government supervision. A reference to the statements put before the Commission shows the value put upon these by those representing the business.

In Appendix No 2, Vol. I of the evidence, will be found a statement put before the Commissioners by the Licensed Victuallers' Association of the city of Halifax. From this statement the following figures are extracted:—

| | | |
|---|---|---|
| Value of hotel property | $ 698,100 | |
| Value of shop property | 366,760 | |
| Value of wholesale property | 375.000 | |
| | | $ 1,439,860 |

This valuation includes the estimated total value of the buildings in which liquors are sold, (Q. 2348—2349) only a comparatively small portion of which in some instances is occupied for the sale of liquors.

| | | |
|---|---|---|
| The fixtures and plant used were valued at:— | | |
| In hotels | $ 89,250 | |
| In liquor shops | 146,730 | |
| | | $ 235,980 |
| The statement of the value of stock on hand was:— | | |
| In wholesale houses | | $ 200,000 |
| The number of persons employed was put down as being:— | | |
| In hotels | 240 | |
| In liquor shops | 207 | |
| In wholesale houses | 75 | |
| | | 522 |
| The amount paid in wages put down as being:— | | |
| In hotels | $ 83,610 | |
| In liquor shops | 113,364 | |
| In wholesale houses | 38,250 | |
| | | $ 235,224 |

These statistics do not deal with either the manufacturing establishments or the soda water trade.

The hotel and liquor shop properties, it was estimated, would depreciate in value in event of a general prohibitory law being enacted:

| | |
|---|---|
| The hotels to the extent of | $295,680 |
| The liquor shops to the extent of | 175,540 |
| | $471,220 |

The loss of wages, it was stated, would be just the amount now paid. There are payments also for municipal taxes, put down at $16,628 per annum, including what are paid on the manufacturing establishments, which were estimated to be of the value of $408,500.

The valuations of property here given, including, as they do, the gross value of real estate in the hotels, liquor shops and wholesale houses, are hardly a guide to the actual value of properties which are used exclusively for the vending of liquors. Only a very small portion of an hotel is used as a bar or for the storage of liquor,

whilst there are a couple of hotels put down as being of the aggregate value of $375,000. Of course, it may be contended that it is the liquor trade which gives the value to these establishments.

The returns made by establishments engaged in the trade in Halifax give the following results as regards employees:—

| Class. | Number. | Number of Employees. | Average. |
|---|---|---|---|
| Hotels | 24 | 207 | 8⅝ |
| Shops | 44 | 149 | 3⅜ |
| Wholesale shops | 6 | 45 | 7½ |
| Total | 74 | 401 | |

These returns indicate that there were in the city of Halifax 74 establishments engaged in the liquor traffic, employing 401 persons, most of whom, it is claimed, would be thrown out of employment if a prohibitory law were enacted. The number put down as being employed by hotels must include, the Commissioners believe, some who are not strictly employed in selling liquor or attending to the liquor business.

Many other statements were laid before the Commission setting forth the value of the property occupied by those engaged in the wholesale and retail liquor trade in certain places, the value of their equipment, the number of employees who would be thrown out of employment, if the traffic should be put an end to by legislative enactment, and the general depreciation of property and stock which would follow. They will be found either in the Evidence or as Appendices thereto. They are, of course, the statements of those who are deeply interested, but who are, perhaps, in a better position than any others to express opinions.

In the evidence of Mr. Kribs (pp. 1208–1211, vol. IV. pt. 2) will be found a summary of very many of these statements, which may conveniently be recapitulated here.

SUMMARY.

| Name of City or Town. | Value of Property. | Estimated Depreciation. | Value of Plant, Stock and Fixtures. | No. of Persons employed. | Wages. |
|---|---|---|---|---|---|
| | $ | $ | $ | | $ |
| Montreal | 13,078,075 | 5,448,725 | 3,709,819 | 4,851 | 1,437,882 |
| Toronto | 5,809,873 | 2,472,898 | 2,209,867 | 1,978 | 697,842 |
| Halifax | 1,464,860 | 483,470 | 478 986 | 550 | 245,152 |
| St. John | 729,485 | 297,172 | 378,416 | 355 | 166,289 |
| Ottawa | 1,292,000 | 543,650 | 284,425 | 488 | 134,630 |
| Hamilton | 637,850 | 287,400 | 297,000 | 372 | 91,040 |
| London | 581,000 | 283,200 | 161,300 | 349 | 85,440 |
| Guelph | 178,200 | 86,100 | 40,650 | 151 | 31,412 |
| Windsor | 462,000 | 242,500 | 69,200 | 251 | 55,052 |
| Woodstock | 194,000 | 115,000 | 22,350 | 106 | 17,703 |
| Berlin | 167,000 | 96,000 | 25,100 | 65 | 18,876 |
| Walkerton (no shops) | 66,500 | 37,500 | 5,800 | 44 | 8,014 |
| Waterloo (no shops) | 111,000 | 71,200 | 4,000 | 47 | 8,040 |
| Total | 24,771,843 | 10,464,815 | 7,686,913 | 9,607 | 2,997,368 |

In the preceding figures soda-water manufacturers, coopers and cork-making establishments are included, the Commissioners not having the necessary information to enable them to eliminate the capital and expenditure of these from the total of

the returns put in all cases. It is claimed that a stoppage of the liquor traffic would practically put an end to these establishments. The Commissioners do not adopt that view. At the same time, they believe the manufacture of soda-water would be materially reduced if the sale of liquor was put an end to.

Some idea may be formed of the extent of these trades from the following statistics taken from the evidence.

SODA-WATER MANUFACTURERS.

| — | Property. | Depreciation. | Value of Plant. | Persons employed. | Wages |
|---|---|---|---|---|---|
| | $ | $ | $ | | $ |
| Montreal | 72,500 | 26,333 | 77,604 | 91 | 30,701 |
| Toronto | 23,100 | 7,050 | 40,000 | 37 | 14,650 |
| Halifax | 24,500 | 12,250 | 26,300 | 28 | 9,923 |

COOPERS.

| | | | | | |
|---|---|---|---|---|---|
| Montreal | 13,500 | 10,000 | ..... | 19 | 9,880 |

CORK-MAKERS.

| | | | | | |
|---|---|---|---|---|---|
| Montreal | 12,000 | 12,000 | 18,600 | 14 | 6,500 |
| Toronto | 13,800 | ..... | 5,979 | 34 | 12,775 |

Accurate statements of the number of those engaged in and connected with the vending of liquors are not obtainable. The census returns of 1891 give the number of persons so employed :—

| | |
|---|---|
| As bartenders | 1,553 |
| As hotel-keepers | 6,524 |
| As restaurant-keepers | 693 |
| As saloon-keepers | 294 |
| As bottlers, etc. | 354 |
| As wholesale merchants | 204 |
| | 9,622 |

There are agents employed for the sale of liquors by wholesale houses and manufacturers who are, probably, not included under any of these classifications. Then, where there are a number of persons in an hotel or a saloon, taking turns in supplying customers, the classification under the head of "Bartenders" must almost necessarily be inaccurate. Restaurant-keepers may not all be liquor vendors. Billiard saloons are included with other saloons; all under that head may not be liquor sellers. Under the head of "Wholesale Dealers in Wine and Liquors" may be included some who are also engaged in other branches of business.

In Montreal the license fees are, in the case of retail establishments, in some measure based upon the rental of the premises occupied. Adopting the amount received for licenses as a basis for getting at the annual rental of the properties occupied, and capitalizing the same at 6 per cent per annum, the result, on an average of two years, would be equal to a capital sum of about $5,700,000.

Taking such houses as the Windsor and St. Lawrence Hall, which pay the highest license fee ($800 per annum), it will be realized that the sum paid represents only a very small fraction of the value of such houses, and falls far short of representing even the value of the parts thereof occupied by the bars.

It cannot be doubted that the stoppage of the traffic would seriously depreciate the value of all such properties, and would probably lead to many of them for a time being unoccupied, not only to the loss of the owners, but also to the loss of the municipalities in which they might be situated, and which now collect taxes from them.

It has been already mentioned that the Commissioners have found themselves unable to obtain accurate returns of the number of licenses issued within the boundaries of the Dominion; but, from the information collected, it is certain they are not fewer than 7,000.

Taking, merely for the purpose of illustration, that of the places where the vending is carried on 2,500 are in cities and 4,500 in towns, villages or country districts, and that the first mentioned are, on an average, of the value of $8,000 each, and the latter, $4,000 each, the total value on this basis would be $38,000,000.

In some of the places where the vending is carried on, perhaps not more than one person is employed, whilst in others the number amounts to probably five or six. It will not be an exaggeration to put down the number of persons making their living, or the main portion of it, by vending liquors as being between 25,000 and 30,000.

The Commissioners do not put these figures forward as representing the value of the real estate so occupied, or the actual number of persons so employed; their object is simply to endeavour to convey some idea of the vast extent of the interests, which, in this connection, are affected by the traffic. The hotels, some of which have cost very large sums, are only taken at an estimated value of the portion made use of for the traffic, and it is certain that the tendency is to underrate the rentals in order to secure licenses at the lowest rates.

## CONSUMPTION OF LIQUORS.

The following tables (A. 1, 2, 3, 4, 5, 6, 7, 8, 9), give the total consumption of liquors, exclusive of home-made wines, under the three heads of spirits, beer and wine, from 1871 to 1893 inclusive, and the consumption *per capita* in the Dominion and in the various provinces. The statistics of the consumption in the Dominion are believed to be as nearly accurate as it is possible to get them. They are compiled from the total entries made for consumption from year to year, and are the quantities on which duties are paid. The quantities consumed in different years vary considerably, and it may be observed that the largest variations have occurred about the periods when changes in the imposts have been made.

The statistics of the consumption in the separate provinces have been compiled from the entries for consumption in these provinces; but it is undoubtedly the case that there is a transmission of liquors from one province to another after the imposts have been paid upon them. The inquiries made, and the evidence taken, by the Commission tend to show, however, that the duties, amounting, as they do, to a large proportion of the total cost of the liquor, are usually, in the case of spirits, paid as near to the point of consumption as practicable and it is probable that as regards spirits, the figures are only slightly affected by this transmission. In the case of beer and ale they are less accurate; and in regard to imported wine, the Provinces of Quebec and British Columbia are doubtless charged with somewhat more than they consume, as there are paid on imports into these provinces duties on wines which are consumed elsewhere.

The proportions of the constituent classes of the population at different periods have to be taken into account in making deductions from statistics of the consumption of liquors. It is manifest that a preponderence, or the reverse, of women and children in any one period, or in any community dealt with, would affect the consumption.

In 1891, of the total population of 4,833,239 in Canada, 2,372,768, or 49·10 per cent were females. In 1881, out of the 4,324,810, 2,135,956, or 49·39 per cent were females.

The proportion of children under 15 years of age was:—In 1881, 1,642,001, equal to 37·96 per cent of the population, and in 1891, 1,738,750, equal to 35·97 per cent of the population. The difference in the numbers between the two periods is so slight as not to materially influence the comparisons.

STATEMENT showing the total Quantities entered for Consumption annually, and the quantity per head of the population, in the Dominion and Provinces, in imperial gallons, of Spirits, Beer and Wine, from 1871 to 1893, inclusive, with the average for each five yearly period from 1871 to 1890, and for the ten years ending 1880 and 1890; also the average for the three years ending 1893.—The Population in 1871, 1881 and 1891 taken from the Census returns; for all other years it is estimated. Native wines not included. (Prepared from official sources for the Royal Commission on the Liquor Traffic.)

## THE DOMINION.

| Year. | Population. | Spirits. | | Beer. | | Wine. | |
|---|---|---|---|---|---|---|---|
| | | Total Consumption. | Per Head. | Total Consumption. | Per Head. | Total Consumption. | Per Head. |
| | | Galls. | Galls. | Galls. | Galls. | Galls. | Galls. |
| 1871 | 3,689,257 | 4,690,223 | 1·246 | 7,302,694 | 1·979 | 599,741 | ·162 |
| 1872 | 3,747,397 | 5,129,207 | 1·368 | 8,269,175 | 2·206 | 780,604 | ·208 |
| 1873 | 3,806,615 | 5,107,934 | 1·341 | 9,586,495 | 2·517 | 730,890 | ·191 |
| 1874 | 3,866,983 | 6,124,416 | 1·582 | 9,391,919 | 2·427 | 885,470 | ·229 |
| 1875 | 3,928,517 | 4,289,941 | 1·116 | 10,044,161 | 2·554 | 559,471 | ·142 |
| Average 5 years.. | 3,807,754 | 5,070,346 | 1·331 | 8,918,769 | 2·341 | 711,235 | ·186 |
| 1876 | 3,991,286 | 4,692,973 | 1·174 | 9,639,424 | 2·413 | 676,429 | ·169 |
| 1877 | 4,055,286 | 3,864,252 | ·952 | 9,080,494 | 2·237 | 300,611 | ·096 |
| 1878 | 4,120,593 | 3,824,502 | ·929 | 8,658,346 | 2·099 | 372,772 | ·090 |
| 1879 | 4,187,260 | 4,569,377 | 1·089 | 8,922,255 | 2·129 | 412,260 | ·098 |
| 1880 | 4,255,123 | 2,726,999 | ·657 | 9,204,499 | 2·162 | 397,880 | ·072 |
| Average 5 years.. | 4,121,909 | 3,977,620 | ·964 | 9,101,003 | 2·206 | 431,990 | ·104 |
| „ 10 „ .. | 3,964,831 | 4,533,983 | 1·140 | 9,009,886 | 2·271 | 571,612 | ·144 |
| 1881 | 4,324,810 | 4,015,597 | ·928 | 10,032,467 | 2·319 | 449,693 | ·104 |
| 1882 | 4,371,546 | 4,445,116 | 1·016 | 12,098,656 | 2·766 | 550,059 | ·125 |
| 1883 | 4,419,992 | 4,592,862 | 1·106 | 12,935,424 | 2·924 | 611,155 | ·138 |
| 1884 | 4,470,336 | 4,568,954 | 1·021 | 13,379,577 | 2·992 | 534,141 | ·119 |
| 1885 | 4,522,783 | 5,238,904 | 1·158 | 12,310,448 | 2·722 | 508,481 | ·112 |
| Average 5 years.. | 4,421,887 | 4,632,286 | 1·046 | 12,151,334 | 2·747 | 530,705 | ·119 |
| 1886 | 4,574,698 | 3,384,117 | ·740 | 13,513,207 | 2·955 | 487,391 | ·106 |
| 1887 | 4,623,584 | 3,613,363 | ·781 | 14,985,191 | 3·241 | 451,368 | ·097 |
| 1888 | 4,673,801 | 3,201,445 | ·684 | 16,118,340 | 3·448 | 468,646 | ·100 |
| 1889 | 4,725,425 | 3,929,378 | ·831 | 16,356,726 | 3·502 | 490,195 | ·105 |
| 1890 | 4,778,528 | 4,558,043 | ·953 | 17,436,739 | 3·648 | 545,856 | ·114 |
| Average 5 years.. | 4,675,207 | 3,737,269 | ·799 | 15,722,040 | 3·362 | 490,491 | ·104 |
| „ 10 „ .. | 4,543,547 | 4,184,777 | ·919 | 13,936,687 | 3·063 | 510,593 | ·112 |
| 1891 | 4,833,239 | 3,558,117 | ·737 | 18,304,361 | 3·787 | 538,386 | ·112 |
| 1892 | 4,889,562 | 3,574,413 | ·650 | 17,185,747 | 3·516 | 496,027 | ·101 |
| 1893 | 4,947,627 | 3,641,963 | ·736 | 17,283,864 | 3·495 | 478,666 | ·097 |
| Average 3 years.. | 4,890,143 | 3,591,831 | ·726 | 17,591,657 | 3·598 | 504,359 | ·103 |

## NOVA SCOTIA.

| Year. | Population. | Spirits. | | Beer. | | Wine. | |
|---|---|---|---|---|---|---|---|
| | | Total Consumption. | Per Head. | Total Consumption. | Per Head. | Total Consumption. | Per Head. |
| | | Galls. | Galls. | Galls. | Galls. | Galls. | Galls. |
| 1871 | 387,800 | 296,344 | ·764 | 459,470 | 1·185 | 45,723 | ·118 |
| 1872 | 392,779 | 325,714 | ·829 | 414,279 | 1·054 | 52,230 | ·133 |
| 1873 | 397,822 | 335,857 | ·844 | 423,545 | 1·063 | 40,087 | ·100 |
| 1874 | 402,930 | 377,506 | ·936 | 436,427 | 1·083 | 53,811 | ·133 |
| 1875 | 408,104 | 284,891 | ·698 | 393,508 | ·964 | 29,562 | ·073 |
| Average 5 years.. | 397,887 | 324,062 | ·814 | 425,446 | 1.069 | 44,283 | ·111 |
| 1876 | 413,365 | 274,247 | ·663 | 477,818 | 1·156 | 31,451 | ·076 |
| 1877 | 418,673 | 281,592 | ·672 | 308,404 | ·736 | 28,301 | ·067 |
| 1878 | 424,049 | 213,447 | ·503 | 359,101 | ·847 | 21,136 | ·050 |
| 1879 | 429,494 | 227,195 | ·529 | 339,032 | ·789 | 25,172 | ·058 |
| 1880 | 435,009 | 192,540 | ·442 | 251,293 | ·577 | 13,661 | ·031 |
| Average 5 years.. | 424,118 | 237,804 | ·567 | 347,124 | ·814 | 23,944 | ·056 |
| " 10 " .. | 411,002 | 280,933 | ·683 | 386,284 | ·949 | 34,113 | ·083 |
| 1881 | 440,572 | 232,193 | ·527 | 481,754 | 1·093 | 22,607 | ·051 |
| 1882 | 441,545 | 240,776 | ·545 | 308,198 | ·698 | 28,839 | ·065 |
| 1883 | 442,521 | 261,898 | ·591 | 284,081 | ·642 | 28,827 | ·065 |
| 1884 | 443,499 | 262,320 | ·591 | 358,190 | ·808 | 27,886 | ·063 |
| 1885 | 444,478 | 248,393 | ·560 | 358,531 | ·807 | 25,114 | ·056 |
| Average 5 years.. | 442,523 | 249,214 | ·563 | 358,151 | ·809 | 26,655 | ·060 |
| 1886 | 445,460 | 217,664 | ·488 | 379,384 | ·852 | 28,558 | ·064 |
| 1887 | 446,446 | 210,088 | ·470 | 301,676 | ·675 | 14,786 | ·033 |
| 1888 | 447,432 | 175,251 | ·391 | 432,485 | ·967 | 18,802 | ·042 |
| 1889 | 448,420 | 221,844 | ·494 | 550,359 | 1·227 | 23,454 | ·052 |
| 1890 | 449,408 | 282,894 | ·629 | 666,914 | 1·483 | 21,197 | ·047 |
| Average 5 years.. | 447,433 | 221,548 | ·495 | 466,164 | 1·041 | 21,359 | ·047 |
| " 10 " .. | 444,978 | 235,382 | ·528 | 412,157 | ·926 | 24,007 | ·054 |
| 1891 | 450,396 | 200,812 | ·445 | 642,294 | 1·425 | 22,238 | ·049 |
| 1892 | 451,389 | 203,311 | ·450 | 585,253 | 1·296 | 19,156 | ·042 |
| 1893 | 452,383 | 184,574 | ·408 | 562,054 | 1·242 | 16,830 | ·037 |
| Average 3 years.. | 451,389 | 196,232 | ·434 | 596,534 | 1·321 | 19,408 | ·042 |

## NEW BRUNSWICK.

| Year. | Population. | Spirits. | | Beer. | | Wine. | |
|---|---|---|---|---|---|---|---|
| | | Total Consumption. | Per Head. | Total Consumption. | Per Head. | Total Consumption. | Per Head. |
| | | Galls. | Galls. | Galls. | Galls. | Galls. | Galls. |
| 1871 | 285,594 | 346,521 | 1·213 | 175,167 | ·613 | 36,866 | ·128 |
| 1872 | 288,972 | 362,424 | 1·254 | 217,329 | ·752 | 37,175 | ·128 |
| 1873 | 292,390 | 397,846 | 1·361 | 245,142 | ·838 | 44,305 | ·151 |
| 1874 | 295,849 | 403,768 | 1·364 | 210,047 | ·710 | 59,516 | ·201 |
| 1875 | 299,349 | 317,365 | 1·060 | 191,335 | ·641 | 23,386 | ·078 |
| Average 5 years.. | 292,431 | 365,585 | 1·250 | 207,904 | ·711 | 40,249 | ·137 |
| 1876 | 302,890 | 290,676 | ·960 | 193,624 | ·639 | 26,268 | ·087 |
| 1877 | 306,473 | 233,681 | ·762 | 167,672 | ·547 | 20,397 | ·067 |
| 1878 | 310,096 | 276,209 | ·891 | 243,805 | ·786 | 17,369 | ·056 |
| 1879 | 313,767 | 238,708 | ·761 | 204,069 | ·650 | 18,372 | ·059 |
| 1880 | 317,479 | 188,625 | ·594 | 155,436 | ·489 | 8,114 | ·025 |
| Average 5 years.. | 310,141 | 245,579 | ·791 | 321,535 | ·622 | 18,106 | ·058 |
| „ 10 „ .. | 301,285 | 305,582 | 1·014 | 200,412 | ·665 | 29,176 | ·096 |
| 1881 | 321,223 | 241,765 | ·752 | 41,754 | ·130 | 14,675 | ·046 |
| 1882 | 321,235 | 286.978 | ·893 | 211,110 | ·657 | 16,684 | ·052 |
| 1883 | 321,238 | 306,642 | ·954 | 259,881 | ·809 | 19,191 | ·059 |
| 1884 | 321,241 | 271,335 | ·844 | 268,180 | ·835 | 18,588 | ·057 |
| 1885 | 321,244 | 253,872 | ·790 | 289,353 | ·900 | 14,963 | ·047 |
| Average 5 years.. | 321,238 | 272,118 | ·849 | 214,055 | ·666 | 16,820 | ·052 |
| 1886 | 321,247 | 190,965 | ·594 | 331,736 | 1·031 | 15,303 | ·048 |
| 1887 | 321,250 | 199,390 | ·621 | 314,394 | ·979 | 11,084 | ·034 |
| 1888 | 321,253 | 179,649 | ·559 | 323,332 | 1·006 | 12,611 | ·039 |
| 1889 | 321,256 | 213,752 | ·664 | 334,836 | 1·042 | 14,122 | ·044 |
| 1890 | 321,259 | 242,974 | ·756 | 354,104 | 1·102 | 13,837 | ·043 |
| Average 5 years.. | 321,253 | 205,346 | ·639 | 331,680 | 1·032 | 13,391 | ·041 |
| „ 10 „ .. | 321,245 | 238,732 | ·743 | 272,868 | ·849 | 15,105 | ·047 |
| 1891 | 321,263 | 178,294 | ·555 | 346,655 | 1·079 | 13,995 | ·043 |
| 1892 | 321,267 | 187,818 | ·584 | 350,021 | 1·089 | 11,936 | ·043 |
| 1893 | 321,271 | 194,631 | ·605 | 340,880 | 1·061 | 9,892 | ·031 |
| Average 3 years.. | 321,267 | 186,914 | ·581 | 345,852 | 1·076 | 11,941 | ·037 |

## PRINCE EDWARD ISLAND.

| Year. | Population. | Spirits. | | Beer. | | Wine. | |
|---|---|---|---|---|---|---|---|
| | | Total Consumption. | Per Head. | Total Consumption. | Per Head. | Total Consumption. | Per Head. |
| | | Galls. | Galls. | Galls. | Galls. | Galls. | Galls. |
| 1871 | 94,021 | No returns. | ..... | No returns. | ..... | No returns. | ..... |
| 1872 | 95,412 | do .. | ..... | do .. | ..... | do .. | ..... |
| 1873 | 96,824 | do .. | ..... | do .. | ..... | do .. | ..... |
| 1874 | 98,259 | 48,645 | ·495 | 101,920 | 1·040 | 4,574 | ·046 |
| 1875 | 99,711 | 59,601 | ·598 | 80,127 | ·804 | 5,522 | ·056 |
| Average 5 years.. | 96,845 | 54,123 | ·546 | 91,023 | ·919 | 5,048 | ·051 |
| 1876 | 101,186 | 86,008 | ·850 | 96,965 | ·958 | 9,646 | ·095 |
| 1877 | 102,673 | 76,640 | ·746 | 84,235 | ·820 | 4,762 | ·046 |
| 1878 | 104,192 | 42,485 | ·408 | 66,445 | ·638 | 2,480 | ·024 |
| 1879 | 105,734 | 62,190 | ·587 | 52,704 | ·498 | 3,549 | ·033 |
| 1880 | 107,299 | 44,696 | ·417 | 58,521 | ·545 | 1,474 | ·014 |
| Average 5 years.. | 104,216 | 62,386 | ·598 | 71,774 | ·688 | 4,382 | ·042 |
| " 10 " .. | 100,531 | (7 yrs)60,025 | ·584 | (7 yrs)77,259 | ·752 | (7 yrs) 4,572 | ·044 |
| 1881 | 108,891 | 57,823 | ·531 | 41,533 | ·381 | 2,078 | ·019 |
| 1882 | 108,909 | 47 008 | ·431 | 29,711 | ·273 | 1,480 | ·014 |
| 1883 | 108,927 | 45,984 | ·422 | 19,565 | ·179 | 3,480 | ·032 |
| 1884 | 108,945 | 38,508 | ·353 | 23,825 | ·218 | 1,139 | ·010 |
| 1885 | 108,964 | 47,665 | ·437 | 34,220 | ·314 | 1,095 | ·010 |
| Average 5 years.. | 108,927 | 47,396 | ·435 | 49,598 | ·273 | 1,854 | ·017 |
| 1886 | 108,983 | 64,600 | ·592 | 38,699 | ·355 | 1,695 | ·015 |
| 1887 | 109,002 | 28,758 | ·264 | 48,302 | ·443 | 2,520 | .023 |
| 1888 | 109,021 | 28,754 | ·264 | 39,597 | ·363 | 1,106 | ·010 |
| 1889 | 109,040 | 24,192 | ·222 | 64,156 | ·589 | 484 | ·004 |
| 1890 | 109,059 | 27,647 | ·253 | 35,694 | ·327 | 1,070 | ·009 |
| Average 5 years.. | 109,021 | 34,790 | ·319 | 45,289 | ·415 | 1,376 | ·012 |
| " 10 " .. | 108,974 | 41,093 | ·377 | 37,524 | ·344 | 1,615 | ·015 |
| 1891 | 109,078 | 26,265 | ·240 | 51,920 | ·476 | 1,451 | ·013 |
| 1892 | 109,098 | 27,667 | ·253 | 35,199 | ·322 | 1,630 | ·015 |
| 1893 | 109,118 | 30,433 | ·278 | 31,198 | ·286 | 1,374 | ·012 |
| Average 3 years.. | 109,098 | 28,121 | ·257 | 39,439 | ·361 | 1,485 | ·013 |

## QUEBEC.

| Year. | Population. | Spirits. | | Beer. | | Wine. | |
|---|---|---|---|---|---|---|---|
| | | Total Consumption. | Per Head. | Total Consumption. | Per Head. | Total Consumption. | Per Head. |
| | | Galls. | Galls. | Galls. | Galls. | Galls. | Galls. |
| 1871 | 1,191,516 | 1,640,701 | 1·377 | 2,487,688 | 2·087 | 422,197 | ·354 |
| 1872 | 1,207,203 | 1,847,209 | 1·530 | 2,668,747 | 2·211 | 532,609 | ·441 |
| 1873 | 1,223,277 | 1,864,612 | 1·524 | 3,007,935 | 2·459 | 467,804 | ·382 |
| 1874 | 1,239,474 | 1,964,946 | 1·586 | 2,767,865 | 2·233 | 578,087 | ·466 |
| 1875 | 1,255,885 | 1,488,903 | 1·186 | 2,845,935 | 2·266 | 369,898 | ·294 |
| Average 5 years.. | 1,223,489 | 1,761,274 | 1·439 | 2,755,644 | 2·252 | 474,119 | ·387 |
| 1876 | 1,272,513 | 1,557,411 | 1·224 | 2,729,043 | 2·145 | 470,556 | ·370 |
| 1877 | 1,289,362 | 1,404,079 | 1·090 | 2,689,276 | 2·086 | 264,830 | ·205 |
| 1878 | 1,306,434 | 1,410,014 | 1·079 | 2,343,738 | 1·794 | 273,484 | ·209 |
| 1879 | 1,323,732 | 1,351,121 | 1·021 | 2,092,832 | 1·581 | 285,972 | ·216 |
| 1880 | 1,341,250 | 1,103,383 | ·823 | 2,028,521 | 1·512 | 230,937 | ·172 |
| Average 5 years.. | 1,306,658 | 1,365,301 | 1·045 | 2,376,682 | 1·818 | 305,156 | ·233 |
| " 10 " .. | 1,265,073 | 1,563,287 | 1·235 | 2,566,163 | 2·028 | 389,637 | ·308 |
| 1881 | 1,359,027 | 1,562,250 | 1·149 | 2,340,757 | 1·722 | 330,877 | ·243 |
| 1882 | 1,371,449 | 1,718,039 | 1·252 | 2,759,591 | 2·012 | 394,390 | ·288 |
| 1883 | 1,383,965 | 1,926,071 | 1·391 | 2,745,291 | 1·983 | 426,360 | ·308 |
| 1884 | 1,396,635 | 1,797,435 | 1·287 | 2,923,065 | 2·093 | 372,272 | ·266 |
| 1885 | 1,409,440 | 1,734,435 | 1·230 | 2,796,884 | 1·984 | 346,220 | ·246 |
| Average 5 years.. | 1,384,099 | 1,747,656 | 1·262 | 2,713,117 | 1·960 | 374,024 | ·270 |
| 1886 | 1,422,282 | 1,335,144 | ·938 | 3,203,539 | 2·252 | 336,070 | ·236 |
| 1887 | 1,435,282 | 1,511,499 | 1·053 | 3,791,870 | 2·642 | 320,829 | ·224 |
| 1888 | 1,448,401 | 1,380,454 | ·953 | 3,888,156 | 2·684 | 353,394 | ·244 |
| 1889 | 1,461,639 | 1,631,633 | 1·116 | 3,841,555 | 2·628 | 349,257 | ·246 |
| 1890 | 1,474,998 | 1,731,779 | 1·174 | 4,144,957 | 2·810 | 378,897 | ·256 |
| Average 5 years.. | 1,448,520 | 1,518,093 | 1·048 | 3,774,015 | 2·605 | 349,689 | ·241 |
| " 10 " .. | 1,416,309 | 1,632,879 | 1·152 | 3,243,566 | 2·290 | 361,856 | ·255 |
| 1891 | 1,488,535 | 1,407,605 | ·945 | 4,309,587 | 2·895 | 376,159 | ·252 |
| 1892 | 1,502,149 | 1,305,598 | ·869 | 4,041,656 | 2·690 | 344,648 | ·229 |
| 1893 | 1,515,870 | 1,456,368 | ·960 | 3,842,191 | 2·534 | 336,659 | ·222 |
| Average 5 years.. | 1,502,181 | 1,389,857 | ·925 | 4,064,478 | 2·705 | 352,488 | ·234 |

## ONTARIO.

| Year. | Population. | Spirits. | | Beer. | | Wine. | |
|---|---|---|---|---|---|---|---|
| | | Total Consumption. | Per Head. | Total Consumption. | Per Head. | Total Consumption. | Per Head. |
| | | Galls. | Galls. | Galls. | Galls. | Galls. | Galls. |
| 1871 | 1,620,851 | 2,302,160 | 1·420 | 4,179,637 | 2·578 | 92,742 | ·057 |
| 1872 | 1,649,135 | 2,531,781 | 1·535 | 4,946,032 | 3·000 | 134,838 | ·081 |
| 1873 | 1,677,913 | 2,412,435 | 1·438 | 5,883,768 | 3·506 | 157,603 | ·094 |
| 1874 | 1,707,193 | 3,264,574 | 1·912 | 5,727,490 | 3·355 | 173,334 | ·101 |
| 1875 | 1,736,984 | 2,161,982 | 1·244 | 6,359,737 | 3·661 | 108,294 | ·062 |
| Average 5 years | 1,678,415 | 2,534,586 | 1·510 | 5,419,332 | 3·223 | 133,362 | ·079 |
| 1876 | 1,767,291 | 2,391,154 | 1·353 | 5,924,461 | 3·352 | 112,408 | ·063 |
| 1877 | 1,798,123 | 1,798,122 | 1·000 | 5,649,215 | 3·142 | 53,217 | ·030 |
| 1878 | 1,829,510 | 1,803,193 | ·983 | 5,421,627 | 2·963 | 37,585 | ·021 |
| 1879 | 1,861,435 | 2,565,227 | 1·377 | 5,993,544 | 3·220 | 54,780 | ·029 |
| 1880 | 1,893,719 | 1,312,307 | ·693 | 6,447,584 | 3·404 | 32,879 | ·017 |
| Average 5 years | 1,830,017 | 1,974,000 | 1·078 | 5,887,286 | 3·217 | 58,173 | ·031 |
| " 10 " | 1,754,216 | 2,254,293 | 1.285 | 5,653,309 | 3·222 | 95,768 | ·054 |
| 1881 | 1,926,922 | 1,790,424 | ·934 | 6,790,017 | 3·524 | 50,924 | ·026 |
| 1882 | 1,944,889 | 1,977,770 | 1·016 | 8,328,257 | 4·282 | 60,772 | ·031 |
| 1883 | 1,963,016 | 2,140,067 | 1·090 | 8,972,903 | 4·571 | 75,649 | ·038 |
| 1884 | 1,981,311 | 1,999,682 | 1·009 | 9,149,649 | 4·618 | 60,104 | ·030 |
| 1885 | 1,999,777 | 2,736,621 | 1·368 | 8,217,733 | 4·109 | 57,967 | ·029 |
| Average 5 years | 1,963,183 | 2,130,713 | 1·085 | 8,291,711 | 4·223 | 61,083 | ·031 |
| 1886 | 2,018,415 | 1,369,472 | ·678 | 8,851,009 | 4·385 | 44,436 | ·022 |
| 1887 | 2,037,227 | 1,452,629 | ·713 | 9,797,931 | 4·765 | 41,865 | ·020 |
| 1888 | 2,056,214 | 1,258,389 | ·612 | 10,528,408 | 5·120 | 48,307 | ·023 |
| 1889 | 2,075,378 | 1,605,093 | ·773 | 10,700,899 | 5·156 | 56,769 | ·027 |
| 1890 | 2,094,721 | 2,000,213 | ·954 | 11,415,730 | 5·450 | 74,738 | ·035 |
| Average 5 years | 2,056,391 | 1,537,157 | ·747 | 10,240,795 | 4·984 | 53,221 | ·025 |
| " 10 " | 2,009,787 | 1,833,935 | ·912 | 6,266,253 | 4·610 | 57,152 | ·028 |
| 1891 | 2,114,321 | 1,479,239 | ·699 | 11,694,673 | 5·532 | 67,655 | ·032 |
| 1892 | 2,134,026 | 1,329,886 | ·623 | 10,850,352 | 5·084 | 56,734 | ·026 |
| 1893 | 2,153,915 | 1,449,977 | ·673 | 11,157,457 | 5·180 | 54,374 | ·025 |
| Average 3 years | 2,134,087 | 1,419,700 | ·665 | 11,234,154 | 5·264 | 59,588 | ·027 |

## MANITOBA.

| Year. | Population. | Spirits. | | Beer. | | Wine. | |
|---|---|---|---|---|---|---|---|
| | | Total Consumption. | Per Head. | Total Consumption. | Per Head. | Total Consumption. | Per Head. |
| | | Galls. | Galls. | Galls. | Galls. | Galls. | Galls. |
| 1871 | 25,228 | 14,507 | ·576 | 132 | ..... | 2,213 | ·080 |
| 1872 | 27,611 | 29,217 | 1·058 | 5,168 | ·187 | 8,080 | ·292 |
| 1873 | 30,219 | 51,522 | 1·704 | 2,829 | ·090 | 7,843 | ·259 |
| 1874 | 33,074 | 9,823 | ·297 | 35,854 | 1·087 | 2,623 | ·079 |
| 1875 | 36,189 | 20,248 | ·559 | 37,651 | 1·046 | 2,751 | ·076 |
| Average 5 years.. | 30,406 | 25,064 | ·822 | 16,327 | ·535 | 4,702 | ·154 |
| 1876 | 39,618 | 29,053 | ·733 | 43,097 | 1·087 | 6,230 | ·157 |
| 1877 | 43,369 | 14,794 | ·341 | 30,777 | ·709 | 726 | ·017 |
| 1878 | 47,455 | 26,110 | ·550 | 71,009 | 1·516 | 2,402 | ·050 |
| 1879 | 51,937 | 43,768 | ·842 | 90,708 | 1·745 | 3,439 | ·066 |
| 1880 | 56,843 | 39,402 | ·693 | 120,931 | 2·109 | 2,597 | ·045 |
| Average 5 years.. | 47,843 | 30,625 | ·640 | 71,304 | 1·490 | 3,071 | ·064 |
| " 10 " .. | 39,154 | 27,844 | ·711 | 43,911 | 1·120 | 3,886 | ·099 |
| 1881 | 62,260 | 59,738 | ·959 | 174,670 | 2·807 | 3,004 | ·049 |
| 1882 | 69,391 | 106,010 | 1·523 | 297,931 | 4·281 | 12,782 | ·183 |
| 1883 | 77,788 | 131,543 | 1·691 | 443,435 | 5·700 | 15,075 | ·193 |
| 1884 | 86,951 | 120,417 | 1·384 | 392,707 | 4·516 | 7,656 | ·088 |
| 1885 | 97,194 | 119,339 | 1·227 | 322,902 | 3·322 | 8,389 | ·085 |
| Average 5 years.. | 78,757 | 107,409 | 1·363 | 326,329 | 4·143 | 9,381 | ·119 |
| 1886 | 108,640 | 111,893 | 1·029 | 392,812 | 3·615 | 9,252 | ·085 |
| 1887 | 116,267 | 129,102 | 1·110 | 471,889 | 4·058 | 8,570 | ·073 |
| 1888 | 124,429 | 80,545 | ·647 | 491,404 | 3·949 | 10,095 | ·081 |
| 1889 | 133,164 | 108,324 | ·817 | 549,818 | 4·128 | 11,052 | ·083 |
| 1890 | 142,511 | 119,603 | ·839 | 235,816 | 1·655 | 9,442 | ·066 |
| Average 5 years.. | 125,002 | 109,993 | ·879 | 428,348 | 3·426 | 9,682 | ·077 |
| " 10 " .. | 101,879 | 108,701 | 1·067 | 377,338 | 3·703 | 9,531 | ·093 |
| 1891 | 152,506 | 124,190 | ·814 | 574,252 | 3·765 | 7,733 | ·050 |
| 1892 | 163,213 | 154,140 | ·944 | 532,599 | 3·263 | 11,258 | ·069 |
| 1893 | 174,669 | 165,699 | ·948 | 578,352 | 3·311 | 12,022 | ·068 |
| Average 3 years.. | 163,462 | 148,010 | ·905 | 561,734 | 3·436 | 10,337 | ·063 |

## NORTH-WEST TERRITORIES.

| Year. | Population. | Spirits. | | Beer. | | Wine. | |
|---|---|---|---|---|---|---|---|
| | | Total Consumption. | Per Head. | Total Consumption. | Per Head. | Total Consumption. | Per Head. |
| | | Galls. | Galls. | Galls. | Galls. | Galls. | Galls. |
| 1871 | 48,000 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1872 | 48,784 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1873 | 49,581 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1874 | 50,391 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1875 | 51,214 | ..... | ..... | ..... | ..... | ..... | ..... |
| Average 5 years.. | 49,594 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1876 | 52,052 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1877 | 52,902 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1878 | 53,766 | 722 | ·013 | ..... | ..... | ..... | ..... |
| 1879 | 54,645 | 129 | ·002 | ..... | ..... | 23 | ..... |
| 1880 | 55,538 | 469 | ·008 | ..... | ..... | 1 | ..... |
| Average 5 years.. | 53,780 | (3 yrs) 440 | ·008 | 59 | ·001 | 25 | ..... |
| „ 10 „ .. | 51,687 | ..... | ..... | ..... | ..... | 16 | ..... |
| 1881 | 56,446 | 340 | ·006 | ..... | ..... | ..... | ..... |
| 1882 | 60,920 | 373 | ·006 | ..... | ..... | 10 | ..... |
| 1883 | 65,748 | 342 | ·005 | ..... | ..... | 7 | ..... |
| 1884 | 70,957 | 56 | ..... | 92 | ·001 | 3 | ..... |
| 1885 | 76,585 | 26 | ..... | 24 | ..... | 1 | ..... |
| Average 5 years.. | 66,131 | (3 yrs) 227 | ·003 | 12 | ..... | ..... | ..... |
| 1886 | 79,939 | ..... | ..... | (3 yrs) 43 | ·000 | 6 | ..... |
| 1887 | 83,429 | 2 | ..... | ..... | ..... | ..... | ..... |
| 1888 | 87,071 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1889 | 90,872 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1890 | 94,839 | 2 | ..... | ..... | ..... | 20 | ..... |
| Average 5 years.. | 87,231 | (7 yrs) 163 | ..... | ..... | ..... | ..... | ..... |
| „ 10 „ .. | 76,680 | ..... | ..... | (3 yrs) 43 | ..... | (5 yrs) 9 | ..... |
| 1891 | 98,967 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1892 | 103,288 | ..... | ..... | 13 | ..... | ..... | ..... |
| 1893 | 107,797 | 294 | ·002 | ..... | ..... | ..... | ..... |
| Average 3 years.. | 103,351 | ..... | ..... | ..... | ..... | ..... | ..... |

## BRITISH COLUMBIA.

| Year. | Population. | Spirits. | | Beer. | | Wine. | |
|---|---|---|---|---|---|---|---|
| | | Total Consumption. | Per Head. | Total Consumption. | Per Head. | Total Consumption. | Per Head. |
| | | Galls. | Galls. | Galls. | Galls. | Galls. | Galls. |
| 1871 | 36,247 | No returns. | ..... | No returns. | ..... | No returns. | ..... |
| 1872 | 37,412 | 32,862 | ·878 | 17,620 | ·471 | 15,672 | ·418 |
| 1873 | 38,594 | 45,662 | 1·183 | 23,226 | ·601 | 13,248 | ·343 |
| 1874 | 39,813 | 55,149 | 1·385 | 112,316 | 2·821 | 13,525 | ·339 |
| 1875 | 41,071 | 56,951 | 1·386 | 185,368 | 3·205 | 20,058 | ·488 |
| Average 5 years | 38,627 | 47,656 | 1·214 | 72,132 | 1·839 | 15,626 | ·398 |
| 1876 | 42,371 | 64,424 | 1·520 | 174,416 | 4·116 | 19,870 | ·469 |
| 1877 | 43,710 | 55,344 | 1·266 | 150,915 | 3·452 | 18,378 | ·420 |
| 1878 | 45,091 | 62,322 | 1·382 | 152,621 | 3·384 | 18,293 | ·405 |
| 1879 | 46,516 | 81,129 | 1·744 | 149,396 | 3·233 | 20,975 | ·451 |
| 1880 | 47,986 | 45,077 | ·939 | 142,154 | 2·960 | 18,233 | ·379 |
| Average 5 years | 45,135 | 61,659 | 1·366 | 153,900 | 3·409 | 19,150 | ·424 |
| " 10 " | 41,881 | (9 yrs)55,435 | 1·304 | (9 ys)117,559 | 2·765 | (9 yrs)17,583 | ·413 |
| 1881 | 49,459 | 62,064 | 1·254 | 161,982 | 3·275 | 25,518 | ·515 |
| 1882 | 53,007 | 68,162 | 1·286 | 163,858 | 3·091 | 35,105 | ·662 |
| 1883 | 56,769 | 80 315 | 1·414 | 210,236 | 3·703 | 42,567 | ·749 |
| 1884 | 60,797 | 79,156 | 1·301 | 264,037 | 4·342 | 46,495 | ·764 |
| 1885 | 65,111 | 98,052 | 1·505 | 290,813 | 4·466 | 54,733 | ·846 |
| Average 5 years | 57,029 | 77,550 | 1·359 | 218,185 | 3·825 | 40,884 | ·716 |
| 1886 | 69,732 | 94,379 | 1·353 | 316,028 | 4·532 | 52,077 | ·746 |
| 1887 | 74,681 | 81,894 | 1·096 | 349,129 | 4·674 | 51,705 | ·692 |
| 1888 | 79,980 | 98,412 | 1·230 | 414,958 | 5·188 | 24,331 | ·304 |
| 1889 | 86,656 | 124,034 | 1·431 | 515,103 | 5·944 | 34,046 | ·392 |
| 1890 | 91,733 | 152,931 | 1·667 | 583,524 | 6·361 | 46,675 | ·508 |
| Average 5 years | 80,556 | 110,330 | 1·369 | 435,748 | 5·409 | 41,767 | ·518 |
| " 10 " | 63,792 | 93,959 | 1·365 | 326,966 | 4·752 | 41,325 | ·600 |
| 1891 | 98,173 | 141,712 | 1·443 | 684,980 | 6·977 | 49,155 | ·500 |
| 1892 | 105,141 | 165,993 | 1·578 | 790,674 | 7·520 | 50,665 | ·481 |
| 1893 | 112,604 | 159,987 | 1·420 | 781,732 | 6·942 | 47,412 | ·421 |
| Average 3 years | 105,306 | 155,897 | 1·480 | 752,462 | 7.145 | 49,077 | ·466 |

## THE EXTENT OF TRAFFIC.

Taking an average of the total amount of liquor entered for consumption for the five years ended June, 1893, it will be found to be 21,676,749 gallons per annum.

It is only practicable to make an estimate of the value, or price, of the quantities when they leave the bonded warehouses and the manufacturing establishments, and such an estimate is, perhaps, all that is needful for the purposes of this report. Perfect accuracy it is hardly possible to obtain. Taking Canadian spirits at $2.10 per gallon, and imported at the entered value, plus duty; Canadian malt liquors at 30 cents per gallon, and imported at the entered value, plus the duty, and wine at the entered value, plus duty, the following total is reached:—

| | |
|---|---|
| Spirits, 3,809,596 gallons | $ 8,728,563 00 |
| Malt liquors, 17,355,487 gallons | 8,368,145 00 |
| Wine, 511,626 gallons | 933,356 00 |
| Total | $15,030,064 00 |

There has to be added to the entered price of the imported liquors the freight across the Atlantic, insurance and charges. These would probably amount to $165,000.

Of the additions made to the quantities manufactured and imported before the different descriptions of liquors are disposed of by retail, it is, of course, impracticable to obtain any account.

The Commissioners, in giving the above and the undermentioned figures, desire to guard against it being assumed that they quote them as those which are actually charged and paid. Their object is simply to convey a general idea of the extent of the traffic on the basis mentioned.

Separating the imported liquors from those manufactured in the country, they may be approximately estimated to represent:—

| | Domestic. | Imported. | Totals. |
|---|---|---|---|
| Spirits | $ 6,067,797 | $ 2,660,766 | |
| Malt liquors | 5,090,886 | 277,259 | |
| Wine | | 933,356 | |
| Totals | $11,158,683 | $3,871,381— | $15,030,064 |

There is, of course, to be added to the foregoing figures the charges for transportation to the points of distribution, charges for insurance on liquors warehoused, and interest on capital invested until they are sold, with the profits, in many cases, of the wholesale merchant.

Taking an average of the quantities of wine, spirits and malt liquors entered for consumption in the five years ending 1893, but excluding cider and native wines, and taking an average of the retail prices, the calculation shows the sum of $39,870,854, to be paid for liquor by the consumers. As more than more than one-half of this amount is paid for spirits to which, it is well understood, a large addition of water is made before they are vended to the public, the total amount paid is probably considerably in excess of the sum just mentioned. (Q. 23668, vol. 1).

The revenue derived by the Dominion and Provincial Governments from the traffic can be stated with some degree of precision. As regards the municipalities, with the exception of those in Ontario, the returns are incomplete and fragmentary.

The revenue of the Dominion Government is:—

| | | Yearly Average for five years, 1889-1893. |
|---|---|---|
| 1. | From Customs duties on imported liquors | $2,241,784 00 |
| 2. | " " " " malt | 6,224 00 |
| 3. | " " " " hops | 44,803 00 |
| 4. | " " " " coal | 23,880 00* |
| 5. | " " " " corn | 72,168 30 |
| 6. | " " " miscellaneous articles | 10,000 00* |
| 7. | " excise on malt liquors | 3,634 00 |
| 8. | " " " malt | 691,954 00 |
| 9. | " " " spirits | 3,990,169 92 |
| 10. | " brewers', distillers' and maltsters' licenses | 16,040 00 |
| 11. | " compounders' licenses | 900 00 |
| | Total | $7,101,557 22 |

The revenue derived by the provincial governments and municipalities for the year 1890-91 was as under. This year is taken, as the returns for it are more complete than they are for any other. Many municipalities have not made any returns:—

| —— | No. of Licenses 1891. | Provincial. | Municipal. | Total. |
|---|---|---|---|---|
| | | $ cts. | $ cts. | $ cts. |
| Nova Scotia | 103 | ..... | 17,659 00 | 17,659 00 |
| New Brunswick | 172 | ..... | 21,980 00 | 21,980 00 |
| Prince Edward Island | ..... | ..... | 600 00 | 600 00 |
| Quebec | 2,453 | 552,318 00 | 21,964 00 | 574,282 00 |
| Ontario | 4,256 | 303,200 00 | 294,968 00 | 603,168 00 |
| Manitoba | 156 | 27,550 00 | 18,507 00 | 46,057 00 |
| North-West Territories | 109 | 20,790 00 | 7,675 00 | 28,465 00 |
| British Columbia | 400 | 15,500 00 | 45,754 00 | 61,254 00 |
| Totals | 7,654 | 924,358 00 | 429,107 00 | 1,353,465 00 |

In Quebec, nothing is included for the city of Quebec, and many other places have not made any returns.

Several municipalities in British Columbia have not made returns.

The figures for the North-west Territories are those for 1892. Licenses only began to be issued May 1st, 1892.

In the foregoing figures $47,280 is included for fines. In Ontario $77,130 is deducted from the gross receipts for salaries, expenses and commissions. The gross receipts were therefore $680,298 instead of $603,168.

In Ontario the licenses on the preceding return include transfers, removals and extensions. Excluding the two first mentioned classes the licenses represent one to about every 583 of the population. In Quebec the transfers are endorsed on the licenses. The total number of the licenses is equal to one license to every 607 of the population. In British Columbia the 400 licenses shewn on the return, are equal to one to every 245 of the population.

In the Province of Quebec in 1891 the amount which the municipalities might charge in addition to the Provincial Government fees was limited to a sum of $50. This materially reduced the amounts collected by the municipalities, as, for instance, the city of Sherbrooke, which, in 1890, collected $9,100; in 1891 only collected $1,300. The law was again changed in the session of 1892. The municipal councils were authorized to add in cities any amount not exceeding $200, and in

*Estimated.

other places not exceeding $50. It is probable that correct returns would show that the Provincial and Municipal Governments collect $1,500,000 from the liquor traffic.

It may be as well to recapitulate the various items which have been referred to:—

| | | |
|---|---|---|
| | Capital invested in breweries, distilleries and malt-houses. | $ 15,583,953 |
| Q. 18334a. Vol. 4, pt. 2. | Value of real estate occupied by vendors of liquors, estimated by the trade to be $70,000,000, but which is probably nearer..... | 38,000,000 |
| Q. 18336a. Vol. 4, pt. 2. | There are in addition, fixtures, etc., estimated by the trade at what seems an excessive valuation, viz..... | 21,000,000 |
| Q. 12907a. Vol. 4, pt. 2. | There is an extensive stock of liquor always on hand in distilleries and elsewhere, and credit to a large extent has to be given to the retail vendor. These conditions probably lead to the employment of a large amount additional, temporarily obtained from bankers, of which no estimate has been attempted. | |
| | The brewers and distillers disburse, in wages and for materials required, payment of municipal taxes, etc., etc., a sum estimated at..... | 5,039,906 |
| | There is paid for imported liquors, including ocean freights, etc..... | 1,901,897 |
| | For Federal excise and customs duties, licenses, etc ..... | 7,101,557 |
| | For licenses, etc., Provincial and Municipal..... | 1,353,465 |
| Q. 18336a. Vol. 4, pt. 2. | For wages of those engaged in the retail and wholesale trade, a sum estimated at..... | 10,500,000 |

The last estimate is probably in excess of the actual expenditure.

There are in addition, the domestic cider and wine trade, the soda water, cooperage and cork industries, heretofore referred to, which are not taken into account in the foregoing figures.

### OTHER INTERESTS AFFECTED BY THE TRAFFIC.

The liquor traffic is the means of putting into circulation a large amount of money. The Commissioners sought to obtain the views of the gentlemen engaged in banking and other financial operations as to the effect of the traffic as now carried on upon financial transactions and the results which would follow the entire prohibition of the traffic. The following questions were, after due notice to those intended to be interrogated, put to several witnesses:—

"What, in your opinion, is the effect of the liquor traffic as at present conducted, upon the agricultural, financial, industrial, commercial and business interests generally of the Dominion?

"What, in your opinion, would be the effect on financial, agricultural, commercial, industrial and business interests generally, and upon the revenue requirements of the Dominion, the Provinces and Municipalities, of the enactment of a law prohibiting the importation, manufacture and sale, except for medical, sacramental and mechanical purposes, of all intoxicants?"

Certain statistical information which has been gathered, showing in a general way the extent of the revenue derived by the country from the traffic, the material used in Canada in the manufacture of spirits, ale, &c., and on some other features, was supplied with a view to enabling those who were examined to form a general idea of the extent of the interests involved.

The following is a short summary of some of the replies made to the first interrogation. The replies to the second will be referred to hereafter.

Alfred Brunet, Esq., of Montreal, manager of La Banque Nationale, said:—"My opinion is, as a whole, that it is beneficial to the agricultural, financial, industrial and commercial interests of the country." (Q. 29980.)

A. D. de Martigny, Esq., manager of the Jacques Cartier Bank, Montreal, stated:—"It is very difficult for me to answer this question, because if absolute prohibition took place it would do damage."

Henri Barbeau, Esq., of Montreal, manager of the City and District Savings Bank, stated that he did not think the agricultural, commercial, industrial, financial, and business interests of the country were prejudicially affected by the liquor traffic, as at present conducted. (Q. 29883.)

M. J. A. Prendergast, Esq., manager of the Hochelaga Bank, Montreal, believed that the liquor traffic as at present conducted was injurious to the general interests of the country. One of the evils of the present law was its tendency to create a monopoly. The granting of more licenses than were actually required had a demoralizing effect on the people, as it created more opportunities for the poor people to obtain liquor, and was consequently injurious. Any prohibitory law against the manufacture of spirits would certainly have the beneficial effect of breaking up the monopolies that exist to-day, and clearing them away altogether. The only suggestion he made in the way of regulation or enactment that would tend to prevent the monopoly evil, was prohibition, which, he thought, would have a beneficial effect. (Q. 29839.)

F. Wolferstan Thomas, Esq., manager of the Molsons Bank, Montreal, said that it would require a great deal of time and attention to answer the question properly. "The liquor traffic," he said, "as at present conducted, the issue of licenses being seemingly nearly indiscriminate, has more or less a deleterious effect upon those interests that you have mentioned." He thought the money required to carry on the trade would be better applied to other purposes. (Q. 30659.)

W. Weir, Esq., president of the Ville Marie Bank, stated his opinion was that the liquor traffic affected general business only in so far as it took the industrial people away from other business, and waste of time was a loss to the whole community. He did not see that the employment of capital in the manufacture of liquor differed much from the employment of capital in other walks of life. "There can be no question," he remarked, "that the evil inflicted by the immoderate use of intoxicating liquors is injurious as regards every branch of trade and commerce, in so far as the people are taken from active pursuits in those branches and become impoverished. They are less able to provide for their families, and to that extent create less demand for articles which would make business of all kinds more active." In his opinion it is only the immoderate use of liquor which is injurious to the general business of the country. (Q. 29757.)

Mr. J. S. Bousquet, manager of the Banque du Peuple, was of opinion that the sale of liquor was not injurious to trade at present.

J. Herbert Mason, Esq., president of the Canada Permanent Loan and Savings Company, Toronto, said that the liquor traffic gave a home market for certain kinds of grain, which otherwise there would not be, and that it did not affect agriculture in any other way. It had no more effect on financial interests than any other business of the same extent. "As to the commercial and business interests generally," he said, "I do not know that it affects them any more than to the extent of the capital that is employed in it." (Q. 14442a.)

David R. Wilkie, Esq., president of the Board of Trade, Toronto, and cashier of the Imperial Bank of Canada, thought that the liquor traffic, as at present conducted, was injurious, directly or indirectly, to the financial, agricultural, industrial and commercial interests of the country. The freedom with which spirits were dealt with by the community at large was injurious to the consumer, and therefore to the employer and others who were dependent upon him. If the traffic were regulated by reducing the number of licenses issued, largely increasing the license fees, and increasing both excise and import duties on whiskey and spirits, it would benefit the country at large immensely. (Q. 11452a.)

George Hague, Esq., general manager of the Merchants' Bank of Canada, Montreal, said that the liquor traffic, extensively carried on in Canada as it is, must directly and indirectly, give employment to a large number of persons, and also of capital in various forms. The importation leads to employment of ships, steamers

and railways, the renting of warehouses, and the employment of sailors, officers, clerks and workmen, all leading to the employment of capital and the diffusion of money. In the manufacture, much capital is invested in buildings and plant, which also leads to the large employment of labour, and consequent expenditure of money. In considering the monetary interest of the trade, the income of principals and their expenditure thereof has to be considered, as well as that of their employees. In the sale and distribution of liquors, the same agencies are made use of as in importation.

Mr. Hague said that although the trade furnished a market for corn, barley, etc., he did not attach much importance to that, as the same could readily be turned to other uses. "But that the trade gives rise to a large amount of business and employment of a large number of persons," he said, "and that these in turn give rise to an immensely ramified line of business and employment in other lines, goes without saying." (Q. 30303.)

In the foregoing statements the Commissioners have endeavoured to indicate the various agricultural, commercial, industrial, financial and other business interests, and the extent of them, necessarily somewhat indefinitely, which are affected by the manufacture, importation and sale of intoxicating liquors.

Sufficient information has been given to show that these interests are very extensive, and that any serious interference with the traffic must necessarily depreciate the value of a large amount of property—a property which, if the estimates made in regard to its value are to be accepted, is equal to, or, rather, in excess of the capital of the whole of the chartered banks of the Dominion, and would interfere, for a time at least, to no inconsiderable extent with the general business of the country.

There remains one interest to be considered, undoubtedly the most important, and that is the effect which the use of intoxicating liquor has upon the community at large.

The buying and selling, or bartering, of intoxicants for beverage purposes can hardly be said of itself to produce injurious effects. Such evils as do arise flow from the misuse of the article bought and sold.

That many and grievous evils and much wretchedness and misery are caused by over-indulgence in the use of intoxicants, does not admit of controversy. It is impracticable to reach the number of individuals in the community who are guilty of such over-indulgence, and who thereby inflict injury upon themselves and their families, and dissipate means which might and should be applied to worthier objects. Considering, however, the repeated offences committed by those who so offend, the proportion of them to the total population of the Dominion, the undersigned believe to be comparatively small, and probably smaller in Canada than in any other country in regard to which it has been practicable to obtain information.

How much of the crime, poverty, and insanity of the country is to be attributed to the use of intoxicating liquors, cannot be accurately determined from any information accessible to the Commissioners.

In regard to crime, the evidence taken is fairly unanimous that the more serious offences, such as forgery, perjury, arson, etc., are committed by those who do not over-indulge in the use of intoxicants.

The Judges and Magistrates who replied on this subject to the circulars sent to them, place the percentages of the criminal cases attributable directly or indirectly to the use of intoxicating beverages, as follows:—

| | | | | | |
|---|---|---|---|---|---|
| 8 | at between, | Zero | and | 10 | per cent. |
| 11 | do | 10 per cent | and | 25 | do |
| 9 | do | 25 | do | and 50 | do |
| 65 | do | 50 | do | and 75 | do |
| 15 | over | 75 | do | | |
| 53 | were indefinite in their replies. | | | | |
| 6 | made no reply to the question. | | | | |
| 167 | | | | | |

In a very elaborate Bulletin prepared by the Rev. Frederick H. Wines, in connection with the United States Census of 1890, on the statistics of "Homicide" he observes:—

"It is frequently said that lynching takes place where the law is not executed, and that it is designed as a protest against the inefficiency of the courts. But the sections in which there are the most executions are those in which there are also the most lynchings. The number of executions and lynchings reported by the Sheriffs in the southern states is identically the same. It is further to be noted that the largest number both of executions and of lynchings is in the South Central division, where the average sentence for homicide is the longest, and where the percentage of long sentences imposed by the courts is the highest.

"As to the causes of crime.

"A careful study of the figures given will serve to correct the exaggerated impressions current as to the causation of crime.

"Ignorance is a cause of crime. Nevertheless, 66·57 per cent of all prisoners charged with homicide have received the rudiments of an education, in English or in their own tongue, and 3·44 per cent have received a higher education.

"Ignorance of a trade is a cause of crime. But 19·35 per cent are returned as mechanics or apprentices, and a much larger number have the necessary skill to follow mechanical pursuits.

"Idleness is a cause of crime. But 82·21 per cent were employed at the time of their arrest.

"Intemperance is a cause of crime, though a less active and immediate cause than is popularly supposed. But 20·10 per cent were total abstainers, and only 19·87 per cent are returned as drunkards.

"All of these causes, and others which might be named, are in fact only contributory causes whose operation is secondary and indirect. External circumstances facilitate or hinder the commission of crime, They operate as a stimulant to the criminal impulse or as a check upon it. But the root of crime is not in circumstance, but in character. The saying of the great teacher will forever remain true: 'Out of the heart proceed evil thoughts, murders.' Science confirms the moral teaching of religion."

The total convictions for all offences in the Dominion have averaged 36,194 in the last three years (ending 1893) or less than 0·74 of one per cent of the entire population. The offences against the liquor laws and for drunkenness were 40% of the total convictions.

Of the number of insane in the public institutions of the country whose condition has been brought about by intemperance, it is equally impracticable to obtain accurate information. Estimates are as varied as the number of persons questioned. This subject will be referred to again in subsequent parts of this report.

Of the poor, who are largely taken care of in institutions supported by charitable contributions, there are no regular official returns prepared for the whole country.

Of the population in the jails of the country, the Commissioners have been unable to obtain full statistics from some of the provinces. Such as have been obtained will be included and referred to hereinafter.

The criminal statistics collected and published annually form a most valuable contribution to the information obtainable in regard to the effects of over-indulgence in the use of intoxicating liquors, and in regard to some of the provinces it is possible to supplement them by other important information bearing upon the extent and character of crime therein; but, on the other hand, even the commitments to the common jails, with the number of prisoners in them at the close of each year, cannot be obtained with accuracy for any considerable period of time, and statistics concerning the inmates of the various insane asylums are constantly disturbed by the altered arrangements existing between these institutions, or the government

representing them, and the local municipal authorities. For instance, in one of the provinces it was found that the number in the insane asylums had in a certain period decreased, which was the very opposite to the facts in regard to asylums in other provinces. Investigation discovered that some of the county councils, objecting to the charge made for the maintenance of the insane, had removed the harmless patients to almshouses under their own control and kept them there.

Then, as regards the pauper population, the systems prevailing in the different provinces are so divergent that comparison is practically impossible. In some, almshouses are provided at the public expense, in others the care of the poor is largely the work of charitable institutions supported by voluntary contributions.

Anything like accurate information in regard to the insane and the assisted poor, if it is possible to obtain it all, which is by no means a certainty, the Commissioners believe could only be collected by some department of the Federal Government employing an efficient staff to undertake the work, and having also at its command the services of such government employees in each province as could be made available for collecting information. The proportions of the different classes of the pauper, insane and criminal population whose condition has been brought about by over indulgence in intoxicating liquor cannot, the Commissioners consider they are justified in saying, be accurately ascertained; and opinions on the subject are so varied, as to be really of doubtful value. The statements made by the individuals themselves cannot be relied upon; those of interested friends are not infrequently lacking in candor, whilst in the case of the insane, the medical opinions expressed, are, in most instances, those of individual members of the profession, and in probably not a few instances would not be concurred in by others, although expressed in a perfectly unbiassed spirit.

The following tables show the convictions for offences in the Dominion and in the separate provinces, from 1881 to 1893. The population in 1881 and 1891 is that given in the census returns; for the other years, it is estimated:—

STATEMENT of total convictions for all offences, for drunkenness, offences against liquor laws, breaches of municipal laws and minor offences, with the ratio of each 1,000 of the population from 1881 to 1893.

THE DOMINION.

| Year. | Population. | Convictions for All Offences. | | For Breaches of Municipal Laws and Minor Offences. | | For Drunkenness. | | For Offences against the Liquor Laws. | |
|---|---|---|---|---|---|---|---|---|---|
| | | Total. | Per M of Population. | Total. | Per M of Population. | Total. | Per M of Population. | Total. | Per M of Population. |
| 1881 | 4,324,810 | 29,225 | 6·75 | 10,513 | 2·43 | 9,575 | 2·21 | 1,739 | 0·40 |
| 1882 | 4,371,546 | 31,305 | 7·16 | 10,333 | 2·36 | 11,509 | 2·63 | 1,672 | 0·38 |
| 1883 | 4,419,992 | 33,527 | 7·58 | 10,883 | 2·46 | 12,792 | 2·89 | 2,054 | 0·46 |
| 1884 | 4,470,336 | 29,801 | 6·66 | 9,634 | 2·15 | 9,939 | 2·22 | 1,897 | 0·42 |
| 1885 | 4,522,753 | 34,042 | 7·52 | 11,942 | 2·64 | 11,277 | 2·49 | 2,122 | 0·46 |
| Average | 4,421,887 | 31,580 | 7·14 | 10,662 | 2·41 | 11,018 | 2·49 | 1,897 | 0·42 |
| 1886 | 4,574,698 | 34,280 | 7·49 | 11,558 | 2·52 | 11,231 | 2·45 | 2,810 | 0·61 |
| 1887 | 4,623,584 | 34,650 | 7·49 | 11,231 | 2·42 | 11,731 | 2·53 | 3,776 | 0·81 |
| 1888 | 4,673,801 | 37,794 | 8·08 | 12,188 | 2·60 | 12,838 | 2·74 | 4,296 | 0·91 |
| 1889 | 4,725,425 | 38,620 | 8·17 | 12,419 | 2·62 | 13,893 | 2·94 | 3,044 | 0·64 |
| 1890 | 4,778,528 | 38,704 | 8·09 | 13,540 | 2·83 | 14,078 | 2·94 | 2,213 | 0·46 |
| Average | 4,675,207 | 36,809 | 7·87 | 12,187 | 2·60 | 12,754 | 2·72 | 3,228 | 0·69 |
| " 10 years | ..... | 34,194 | 7·51 | 11,424 | 2·51 | 11,886 | 2·61 | 2,562 | 0·56 |
| 1 | 4,833,239 | 37,617 | 7·78 | 13,453 | 2·78 | 13,026 | 2·69 | 2,340 | 0·48 |
| 2 | 4,889,562 | 35,316 | 7·22 | 12,924 | 2·64 | 11,422 | 2·35 | 2,073 | 0·42 |
| 1893 | 4,947,627 | 35,651 | 7·21 | 12,524 | 2·53 | 11,650 | 2·35 | 2,669 | 0·53 |
| Average | 4,890,142 | 36,194 | 7·40 | 12,967 | 2·65 | 12,056 | 2·46 | 2,360 | 0·48 |

ONTARIO.

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1881 | 1,926,922 | 17,110 | 8·87 | 6,239 | 3·23 | 5,233 | 2·77 | 965 | 0·50 |
| 1882 | 1,944,889 | 17,460 | 8·97 | 5,980 | 3·07 | 5,548 | 2·85 | 833 | 0·42 |
| 1883 | 1,963,016 | 17,678 | 9·00 | 6,070 | 3·09 | 5,936 | 3·10 | 914 | 0·46 |
| 1884 | 1,981,311 | 16,276 | 8·21 | 5,467 | 2·76 | 4,694 | 2·36 | 1,000 | 0·50 |
| 1885 | 1,999,777 | 20,097 | 10·04 | 7,756 | 3·87 | 5,868 | 2·93 | 1,235 | 0·61 |
| Average | 1,963,183 | 17,724 | 9·02 | 6,366 | 3·21 | 5,487 | 2·79 | 989 | 0·50 |
| 1886 | 2,018,415 | 19,174 | 9·49 | 6,958 | 3·45 | 5,453 | 2·70 | 1,646 | 0·81 |
| 1887 | 2,037,227 | 20,630 | 10·12 | 7,232 | 3·54 | 6,200 | 3·00 | 2,664 | 1·30 |
| 1888 | 2,056,214 | 23,017 | 11·19 | 8,439 | 4·10 | 6,633 | 3·22 | 3,108 | 1·51 |
| 1889 | 2,075,378 | 22,527 | 10·85 | 8,422 | 4·05 | 7,059 | 3·40 | 1,982 | 0·95 |
| 1890 | 2,094,721 | 21,301 | 10·16 | 8,615 | 4·11 | 6,553 | 3·12 | 1,131 | 0·54 |
| Average | 2,056,391 | 21,330 | 10·37 | 7,933 | 3·85 | 6,379 | 3·10 | 2,106 | 1·02 |
| " 10 years | 2,009,787 | 19,527 | 9·71 | 7,119 | 3·54 | 5,933 | 2·95 | 1,547 | 0·77 |
| 1891 | 2,114,321 | 19,389 | 9·17 | 8,493 | 4·01 | 4,973 | 2·35 | 1,220 | 0·57 |
| 1892 | 2,134,626 | 17,081 | 8·00 | 7,451 | 3·49 | 3,967 | 1·85 | 1,069 | 0·50 |
| 1893 | 2,153,915 | 17,362 | 8·06 | 7,561 | 3·51 | 3,787 | 1·75 | 1,347 | 0·62 |
| Average | 2,134,987 | 17,944 | 8·40 | 7,835 | 3·67 | 4,242 | 1·98 | 1,212 | 0·56 |

## QUEBEC.

| Year. | Population. | Convictions for All Offences. | | For Breaches of Municipal Laws and Minor Offences. | | For Drunkenness. | | For Offences against the Liquor Laws. | |
|---|---|---|---|---|---|---|---|---|---|
| | | Total. | Per M of Population. | Total. | Per M of Population. | Total. | Per M of Population. | Total. | Per M of Population. |
| 1881 | 1,359,027 | 6,430 | 4·73 | 3,006 | 2·21 | 1,450 | 1·03 | 391 | 0·28 |
| 1882 | 1,371,449 | 6,698 | 4·88 | 2,720 | 1·98 | 1,972 | 1·43 | 506 | 0·36 |
| 1883 | 1,383,985 | 6,662 | 4·81 | 2,891 | 2·08 | 1,546 | 1·11 | 637 | 0·46 |
| 1884 | 1,396,635 | 6,190 | 4·43 | 2,535 | 1·81 | 1,624 | 1·16 | 320 | 0·22 |
| 1885 | 1,409,400 | 7,223 | 5·12 | 2,563 | 1·81 | 2,163 | 1·53 | 439 | 0·31 |
| Average | 1,384,099 | 6,640 | 4·79 | 2,743 | 1·98 | 1,751 | 1·26 | 458 | 0·33 |
| 1886 | 1,422,232 | 7,854 | 5·52 | 2,975 | 2·09 | 2,367 | 1·66 | 492 | 0·34 |
| 1887 | 1,435,282 | 8,527 | 5·94 | 2,847 | 1·98 | 2,947 | 2·05 | 600 | 0·41 |
| 1888 | 1,448,401 | 9,190 | 6·34 | 2,744 | 1·89 | 3,360 | 2·31 | 628 | 0·43 |
| 1889 | 1,461,639 | 9,521 | 6·51 | 2,907 | 1·98 | 3,412 | 2·33 | 572 | 0·39 |
| 1890 | 1,474,998 | 10,301 | 6·98 | 3,554 | 2·47 | 3,999 | 2·71 | 372 | 0·25 |
| Average | 1,448,520 | 9,078 | 6·26 | 3,005 | 2·07 | 3,217 | 2·22 | 533 | 0·36 |
| " 10 years | 1,416,309 | 7,859 | 5 55 | 2,874 | 2·09 | 2,484 | 1·75 | 495 | 0·35 |
| 1891 | 1,488,535 | 10,743 | 7·22 | 3,563 | 2·39 | 4,199 | 2·82 | 434 | 0·29 |
| 1892 | 1,502,140 | 10,493 | 6·98 | 3,879 | 2·58 | 3,832 | 2·55 | 304 | 0·20 |
| 1893 | 1,515,870 | 9,761 | 6·43 | 3,170 | 2·91 | 3,778 | 2·49 | 387 | 0·25 |
| Average | 1,502,181 | 10,332 | 6·87 | 3,537 | 2·34 | 3,936 | 2·61 | 375 | 0·24 |

## NOVA SCOTIA.

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1881 | 440,572 | 1,590 | 3·60 | 390 | 0·88 | 737 | 1·67 | 43 | 0·10 |
| 1882 | 441,545 | 1,294 | 2·93 | 303 | 0·68 | 563 | 1·27 | 20 | 0·04 |
| 1883 | 442,521 | 1,448 | 3·27 | 295 | 0·66 | 600 | 1·35 | 58 | 0·13 |
| 1884 | 443,499 | 1,419 | 3·19 | 318 | 0·71 | 591 | 1·33 | 51 | 0·11 |
| 1885 | 444,478 | 1,701 | 3·32 | 449 | 1·01 | 768 | 1·72 | 63 | 0·14 |
| Average | 442,523 | 1,490 | 3·36 | 351 | 0·79 | 652 | 1·47 | 47 | 0·10 |
| 1886 | 445,460 | 1,542 | 3·46 | 400 | 0·89 | 667 | 1·49 | 60 | 0·13 |
| 1887 | 446,446 | 1,266 | 2·83 | 333 | 0·74 | 462 | 1·03 | 71 | 0·15 |
| 1888 | 447,432 | 1,203 | 2·68 | 294 | 0·65 | 501 | 1·11 | 83 | 0·18 |
| 1889 | 448,420 | 1,373 | 3·06 | 220 | 0·49 | 657 | 1·46 | 89 | 0·19 |
| 1890 | 449,408 | 1,479 | 3·29 | 307 | 0·68 | 642 | 1·42 | 130 | 0·28 |
| Average | 447,433 | 1,372 | 3·06 | 311 | 0·69 | 586 | 1·30 | 86 | 0·19 |
| " 10 years | 444,978 | 1,431 | 3·21 | 330 | 0·74 | 618 | 1·39 | 65 | 0.14 |
| 1891 | 450,396 | 1,478 | 3·28 | 354 | 0·78 | 635 | 1·40 | 118 | 0·26 |
| 1892 | 451,389 | 1,619 | 3·58 | 372 | 0·82 | 676 | 1·49 | 121 | 0 26 |
| 1893 | 452,383 | 1,954 | 4·31 | 443 | 0·97 | 938 | 2·07 | 154 | 0·34 |
| Average | 451,389 | 1,684 | 3·73 | 390 | 0·86 | 750 | 1·66 | 131 | 0·29 |

## NEW BRUNSWICK.

| Year. | Population. | Convictions for All Offences. | | For Breaches of Municipal Laws and Minor Offences. | | For Drunkenness. | | For Offences against the Liquor Laws. | |
|---|---|---|---|---|---|---|---|---|---|
| | | Total. | Per M of Population. | Total. | Per M of Population. | Total. | Per M of Population. | Total. | Per M of Population. |
| 1881 | 321,233 | 1,859 | 5·78 | 309 | 0·96 | 1,130 | 3·51 | 90 | 0·28 |
| 1882 | 321,235 | 2,273 | 7·09 | 428 | 1·33 | 1,353 | 4·21 | 83 | 0·25 |
| 1883 | 321,238 | 2,571 | 8·00 | 435 | 1·35 | 1,528 | 4·75 | 129 | 0·40 |
| 1884 | 321,241 | 2,453 | 7·63 | 405 | 1·26 | 1,402 | 4·36 | 183 | 0·56 |
| 1885 | 321,244 | 2,047 | 6·97 | 300 | 0·93 | 1,300 | 4·04 | 54 | 0·16 |
| Average | 321,238 | 2,241 | 6·97 | 375 | 1·16 | 1,343 | 4·18 | 108 | 0·33 |
| 1886 | 321,247 | 2,176 | 6·77 | 290 | 0·90 | 1,290 | 4·01 | 153 | 0·47 |
| 1887 | 321,250 | 1,860 | 5·78 | 242 | 0·75 | 1,011 | 3·14 | 228 | 0·70 |
| 1888 | 321,253 | 2,072 | 6·44 | 296 | 0·92 | 1,141 | 3·55 | 222 | 0·69 |
| 1889 | 321,256 | 2,246 | 6·99 | 263 | 0·81 | 1,383 | 4·34 | 159 | 0·49 |
| 1890 | 321,259 | 2,597 | 8·08 | 287 | 0·89 | 1,561 | 4·85 | 326 | 1·01 |
| Average | 321,253 | 2,190 | 6·81 | 275 | 0·85 | 1,277 | 3·97 | 218 | 0·67 |
| " 10 years | 321,245 | 2,215 | 6·89 | 325 | 1·01 | 1,309 | 4·07 | 162 | 0·50 |
| 1891 | 321,263 | 2,540 | 7·90 | 265 | 0·82 | 1,628 | 5·06 | 245 | 0·76 |
| 1892 | 321,267 | 2,267 | 7·05 | 292 | 0·90 | 1,291 | 4·01 | 268 | 0·83 |
| 1893 | 321,271 | 2,422 | 7·54 | 260 | 0·89 | 1,365 | 4·24 | 444 | 1·38 |
| Average | 321,267 | 2,410 | 7·50 | 272 | 0·84 | 1,428 | 4·44 | 319 | 0·99 |

## PRINCE EDWARD ISLAND.

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1881 | 108,891 | 527 | 4·83 | 114 | 1·04 | 261 | 2·39 | 50 | 0·45 |
| 1882 | 108,909 | 514 | 4·71 | 92 | 0·84 | 247 | 2·26 | 77 | 0·70 |
| 1883 | 108,927 | 530 | 4·86 | 155 | 1·42 | 244 | 2·24 | 53 | 0·48 |
| 1884 | 108,945 | 527 | 4·83 | 104 | 0·95 | 246 | 2·25 | 77 | 0·70 |
| 1885 | 108,964 | 698 | 6·40 | 195 | 1·78 | 328 | 3·01 | 90 | 0·82 |
| Average | 108,927 | 559 | 5·13 | 132 | 1·21 | 265 | 2·43 | 69 | 0·62 |
| 1886 | 108,983 | 658 | 6·03 | 161 | 1·47 | 359 | 3·29 | 72 | 0·66 |
| 1887 | 109,002 | 510 | 4·67 | 111 | 1·01 | 274 | 2·51 | 80 | 0·73 |
| 1888 | 109,021 | 469 | 4·30 | 44 | 0·40 | 287 | 2·63 | 91 | 0·83 |
| 1889 | 109,040 | 535 | 4·90 | 54 | 0·49 | 330 | 3·02 | 69 | 0·63 |
| 1890 | 109,059 | 477 | 4·37 | 50 | 0·45 | 287 | 2·63 | 75 | 0·68 |
| Average | 109,021 | 530 | 4·86 | 84 | 0·77 | 307 | 2·81 | 77 | 0·70 |
| " 10 years | 108,974 | 544 | 4·99 | 108 | 9·99 | 286 | 2·62 | 73 | 0·67 |
| 1891 | 109,078 | 555 | 5·08 | 77 | 0·70 | 311 | 2·85 | 90 | 0·82 |
| 1892 | 109,098 | 576 | 5·28 | 129 | 1·09 | 301 | 2·75 | 75 | 0·68 |
| 1893 | 109,118 | 359 | 3·29 | 33 | 0·30 | 233 | 2·13 | 37 | 0·33 |
| Average | 109,098 | 497 | 4·55 | 77 | 0·70 | 281 | 2·57 | 67 | 0·61 |

## MANITOBA.

| Year. | Population. | Convictions for All Offences. | | For Breaches of Municipal Laws and Minor Offences. | | For Drunkenness. | | For Offences against the Liquor Laws. | |
|---|---|---|---|---|---|---|---|---|---|
| | | Total. | Per M of population. | Total. | Per M of population. | Total. | Per M of population. | Total. | Per M of population. |
| 1881 | 62,260 | 1,179 | 18·93 | 389 | 6·24 | 331 | 5·32 | 156 | 2·55 |
| 1882 | 69,592 | 2,505 | 35·99 | 729 | 10·47 | 1,504 | 21·61 | 110 | 1·58 |
| 1883 | 77,783 | 3,444 | 44·27 | 890 | 11·44 | 2,258 | 29·02 | 67 | 0·86 |
| 1884 | 86,951 | 2,147 | 24·69 | 754 | 8·67 | 1,085 | 12·47 | 53 | 0·60 |
| 1885 | 97,194 | 1,683 | 17·31 | 638 | 6·56 | 711 | 7·31 | 100 | 1·02 |
| Average | 78,757 | 2,191 | 27·82 | 680 | 8·63 | 1,217 | 15·45 | 97 | 1·23 |
| 1886 | 103,640 | 1,411 | 12·98 | 529 | 4·86 | 631 | 5·80 | 79 | 0·72 |
| 1887 | 116,267 | 891 | 7·66 | 226 | 1·94 | 529 | 4·54 | 12 | 0·10 |
| 1888 | 124,429 | 748 | 6·01 | 157 | 1·26 | 479 | 3·84 | 1 | 0·008 |
| 1889 | 133,164 | 1,115 | 8·37 | 282 | 2·11 | 591 | 4·43 | 30 | 0·22 |
| 1890 | 142,511 | 993 | 6·96 | 313 | 2·19 | 486 | 3·41 | 15 | 0·10 |
| Average | 125,002 | 1,031 | 8·24 | 301 | 2.40 | 543 | 4·34 | 27 | 0.21 |
| " 10 years | 101,879 | 1,611 | 15·81 | 490 | 4·80 | 880 | 8·64 | 62 | 0·61 |
| 1891 | 152,506 | 997 | 6·53 | 292 | 1·91 | 518 | 3·39 | 11 | 0·07 |
| 1892 | 163,213 | 1,228 | 7·52 | 423 | 2·59 | 633 | 3·87 | 21 | 0·12 |
| 1893 | 174,669 | 1,300 | 7·44 | 397 | 2·27 | 592 | 3·38 | 60 | 0·34 |
| Average | 163,462 | 1,175 | 7·18 | 371 | 2·26 | 581 | 3·55 | 31 | 0·18 |

## NORTH-WEST TERRITORIES.

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1881 | 56,446 | 79 | 1·39 | ..... | ..... | * | | * | |
| 1882 | 60,920 | 8 | 0·13 | ..... | ..... | * | | * | |
| 1883 | 65,748 | 184 | 2·79 | ..... | ..... | † 8 | 0·12 | † 48 | 0·73 |
| 1884 | 70,957 | 304 | 4·28 | ..... | ..... | † 62 | 0·87 | † 77 | 1·08 |
| 1885 | 76,585 | 296 | 3·86 | 1 | 0·01 | † 31 | 0·40 | † 70 | 0·91 |
| Average | 66,131 | 174 | 2·63 | ..... | ..... | 20 | 0·30 | 39 | 0·58 |
| 1886 | 79,939 | 466 | 5·82 | 2 | 0·02 | 75 | 0·93 | 188 | 2.35 |
| 1887 | 83,429 | 234 | 2·80 | 5 | 0·06 | 47 | 0·56 | 43 | 0·51 |
| 1888 | 87,071 | 296 | 3·39 | 15 | 0·17 | 67 | 0·77 | 69 | 0·79 |
| 1889 | 90,872 | 421 | 4·63 | 42 | 0·46 | 93 | 1·02 | 54 | 0·59 |
| 1890 | 94,839 | 475 | 5·00 | 74 | 0·78 | 81 | 0·85 | 49 | 0·51 |
| Average | 87,231 | 378 | 4·33 | 28 | 0·32 | 72 | 0·82 | 80 | 0·91 |
| " 10 years | 76,680 | 276 | 3·60 | 14 | 0·18 | 46 | 0·60 | 59 | 0.78 |
| 1891 | 98,967 | 555 | 5·60 | 79 | 0·77 | 111 | 1·12 | 75 | 0·75 |
| 1892 | 103,288 | 731 | 7·07 | 108 | 1·04 | 186 | 1·80 | 67 | 0·64 |
| 1893 | 107,797 | 754 | 6·99 | 281 | 2·60 | 232 | 2·15 | 51 | 0·47 |
| Average | 103,351 | 680 | 6·57 | 156 | 1·50 | 176 | 1·70 | 64 | 0·61 |

*No returns. †Returns of North-west Mounted Police only.
The population includes the total of the organized and unorganized territory, White and Indian.

BRITISH COLUMBIA.

| Year. | Population. | Convictions for All Offences. | | For Breaches of Municipal Laws and Min. or Offences. | | For Drunkenness. | | For Offences against the Liquor Laws. | |
|---|---|---|---|---|---|---|---|---|---|
| | | Total. | Per M of Population. | Total | Per M of Population. | Total. | Per M of Population. | Total. | Per M of Population. |
| 1881 | 49,459 | 451 | 9·11 | 63 | 1·27 | 225 | 4·54 | 41 | 0·82 |
| 1882 | 53,007 | 548 | 10·33 | 81 | 1·52 | 322 | 6·07 | 43 | 0·81 |
| 1883 | 56,769 | 1,010 | 17·79 | 147 | 2·58 | 522 | 9·19 | 148 | 2·60 |
| 1884 | 60,797 | 485 | 7·97 | 31 | 0·50 | 235 | 3·86 | 136 | 2·23 |
| 1885 | 65,111 | 297 | 4·56 | 40 | 0·61 | 108 | 1·65 | 71 | 1·09 |
| Average | 57,029 | 558 | 9·78 | 72 | 1·26 | 282 | 4·94 | 88 | 1·54 |
| 1886 | 69,732 | 999 | 14·32 | 243 | 3·48 | 389 | 5·57 | 120 | 1·72 |
| 1887 | 74,681 | 732 | 9·80 | 235 | 3·14 | 261 | 3·49 | 78 | 1·04 |
| 1888 | 79,980 | 799 | 9·99 | 199 | 2·48 | 370 | 4·62 | 94 | 1·17 |
| 1889 | 86,656 | 882 | 10·17 | 229 | 2.64 | 368 | 4·24 | 89 | 1·02 |
| 1890 | 91,733 | 1,061 | 11·78 | 340 | 3·70 | 469 | 5·11 | 115 | 1·25 |
| Average | 80,556 | 899 | 11·16 | 249 | 3·09 | 371 | 4·60 | 99 | 1·22 |
| 10 years | 68,792 | 728 | 10·58 | 160 | 2·33 | 326 | 4.75 | 93 | 1.35 |
| 1891 | 98,173 | 1,360 | 13·85 | 330 | 3·36 | 651 | 6·63 | 147 | 1·49 |
| 1892 | 103,141 | 1,321 | 12·56 | 279 | 2·65 | 606 | 5·76 | 148 | 1·50 |
| 1893 | 112,604 | 1,739 | 15·44 | 379 | 3·36 | 725 | 6·43 | 189 | 1·67 |
| Average | 105,306 | 1,473 | 13·98 | 329 | 3·12 | 660 | 6·26 | 161 | 1·52 |

These statistics have been divided into total convictions, convictions for drun kenness, convictions for offences against the liquor laws, and for breaches of municipal laws and minor offences : the rations per thousand of the population of th attol- and of each class are given. In considering these returns, the fact must be borne in mind that they deal with the number of convictions, whether such convections may have been punished by a fine or by commitment to jail. The commitmeints to jail, if taken alone, would represent a smaller number of cases than are given in the tables. The results show a considerable increase in the number of convictions for offences of all kinds, for drunkenness, and for breaches of the liquor laws. The averages for the five years ended 1885 and the five years ended 1890 were as follows :—

| | All convictions per 1,000. | Convictions for drunkenness per 1,000. | Convictions for offences against liquor law per 1,000. | Two and three combined. |
|---|---|---|---|---|
| | 1 | 2 | 3 | 4 |
| 5 years ending 1885 | 7·14 | 2·45 | 0·42 | 2·91 |
| 5 years ending 1890 | 7·87 | 2·72 | 0·69 | 3·41 |
| Increase | ·73 | ·23 | ·27 | ·50 |
| Per cent | 10·22 | 9·24 | 64·29 | 17·18 |

The ratio of the increase of convictions for drunkenness was slightly below the ratio of the increase in total convictions, while the convictions for offences against the liquor laws increased in a much larger ratio than the other classes. In some measure this is doubtless owing to the larger number of prosecutions in Ontario under the Scott Act.

Including the returns for the three years, between 1890 and 1893, the comparison is as follows:—

| | All convictions per 1,000. | Convictions for drunkenness per 1,000. | Convictions for offences against liquor laws, per 1,000. | Two and three combined. |
|---|---|---|---|---|
| | 1 | 2 | 3 | 4 |
| years ending 1885 | 7·14 | 2·49 | 0·42 | 2·91 |
| years ending 1890 | 7·87 | 2·72 | 0·69 | 3·41 |
| years ending 1893 | 7·40 | 2·46 | 0·48 | 2·94 |

The last period mentioned shows a large decrease over the middle period, and as regards convictions for drunkenness, a lower ratio than in either of the preceding periods, or of the two periods combined.

The average of convictions for all offences for the five years ended 1890 was 0.78 of 1 %; for drunkenness alone, 0·27 of 1 %; and for drunkenness and offences against the liquor laws combined, about 0·34 of 1 % of the population.

THE AVERAGE of the convictions for the three years ended 1893 were:—

| Population. | For all offences. | For drunkenness. | For drunkenness and offences against the liquors laws combined. |
|---|---|---|---|
| 4,387,459 | 36,194 | 12,056 | 14,416 |
| Per cent of the population | 0·74 | 0·24 | 0·29 |

The number of indictable offences were, in 1881, 3,026; in 1891, 3,964; or in 1881, 0·70 per 1,000 of the population; in 1891, 0·82 per 1,000 of the population, an increase of 17·14 %, taking into account the increased population.

A fact which has been brought to the notice of the Commission, and which they are satisfied has an important bearing upon these statistics, is that, in the later years, greater exertion has been made to obtain accurate returns, and the necessity of accuracy in compiling and rendering them has been more fully impressed on the clerks of the various courts charged with the duty of making them up.

In the report on criminal statistics in Canada for the year 1892 (page xiii) Mr. George Johnson says:—

"As regards the growth of crime in Canada, these two classes (indictable offences and summary offences), taken together, show that for the census years 1881 and 1891, the convictions were 1 to each 148 inhabitants in 1881, and 1 to each 129 inhabitants in 1891. This would appear to indicate an increase of about 15 % in the crime of the country during ten years. But this conclusion is apparent rather than real, because, undoubtedly, in 1881—the first year in which the returns were transmitted—there were less care and less completeness in making the returns than there has been since.

"Besides the greater care taken in making up the returns, other factors which must necessarily enter into the consideration of the question whether crime has really increased are: 1st, the increased vigilance of the police; 2nd, the drift of population to the cities, which has a tendency to made it increasingly easier to detect crime;

and 3rd, the enlargement of crimes by legislative enactments; for instance, each year breaches of municipal laws are more extended than in the previous year.

| | 1880-82. | 1883-85. | 1886-88. | 1889-91. | 1892. |
|---|---|---|---|---|---|
| 1. Murder | 0·066 | 0·08 | 0·073 | 0·07 | 0·07 |
| 2. Rape and other offences against females | 0·20 | 0·33 | 0·23 | 0·26 | 0·19 |
| 3. Other offences against the person | 15·03 | 14·37 | 13·73 | 12·90 | 13·70 |
| 4. Robbery, with violence | 0·53 | 0·63 | 0·67 | 0·73 | 0·71 |
| 5. Horse, cattle and sheep stealing | 0·17 | 0·17 | 0·60 | 0·37 | 0·13 |
| 6. Other offences against property | 0·33 | 0·37 | 8·13 | 0·70 | 9·04 |
| 7. Other felonies and misdemeanors | 0·63 | 0·50 | 0·40 | 0·40 | 0·82 |
| 8. Breaches of municipal by-laws and other minor offences | 35·01 | 33·48 | 32·35 | 34·43 | 36·90 |
| 9. Drunkenness | 33·16 | 34·90 | 33·60 | 35·70 | 32·62 |
| 10. Breaches of the liquor laws | 5·72 | 6·12 | 10·02 | 6·60 | 6·00 |

"It will be seen that the numbers 8, 9 and 10, which constitutes 73·90 % of the convictions in the 1880-82 period, were, in the 1889-91 period, 76·73 % of the whole convictions. Of the remaining class of offences, murder, and manslaughter show a tendency to decrease. Rape and other offences against females remain steadily at the same general average, though there has been a reduction in the last two periods compared with a period 1883-85. Robbery with violence, including house and shop breaking, shows a tendency to increase. Drunkenness shows a general increase in the three-year periods, but a decided decrease in 1892, compared with the previous years. The increase apparent down to 1891 does not indicate that drunkenness was on the increase, but rather that there was a sterner spirit abroad respecting punishment of drunkenness."

The convictions for drunkenness and offences against the liquor laws, taking the whole Dominion, reached the highest point in 1888, since which date there has been a gradual reduction in the total of the combined offences. The Scott Act ceased to be in force in 10 counties in 1888, and in 19 counties in 1889, in which it had previously been adopted, and the Dunkin Act was put in force in one county, viz., Richmond, Quebec, in 1888.

The convictions for drunkenness, taken separately, continued to increase from 1888 up to 1890, when they reached the highest figure shown in the returns. From this date there has been a steady reduction, the ratio per thousand of the population being smaller in 1892 than in any year subsequent to 1884. The percentage of convictions for drunkenness to the total convictions, was less in 1892 than in any year subsequent to 1880.

There are doubtless many cases of intemperance which are not accentuated by appearing in the records of the criminal courts, yet are the cause of much wretchedness and misery. At the same time, there are included in these records numerous duplicated convictions, which, in the aggregate, must amount to a large number. The evidence taken by the Commission shows that there are many faces that are familiar to the recorders and magistrates of the Police Courts, and are those of persons who are convicted many times during each year.

The following statement gives the number of prisoners per thousand of population in the common jails of the country at the end of each of the undermentioned years, also the number per thousand of those committed to the jails in the same period. In the case of British Columbia, New Brunswick and Nova Scotia the returns, the Commissioners are aware, are not correct. They have found themselves unable to get accurate returns. In some cases the records are missing, or have been destroyed; in others they have been unable to secure even replies to their communications. The detailed returns from which these figures are taken are referred to in the parts of this report relating to the separate provinces, and they will be found printed as Appendices, Nos. 1 to 8, with such notes attached to them by way of explanation as it has been deemed necessary to make in order to guard against mistakes. The returns from the other provinces, the Commissioners have every reason to believe, are correct.

NUMBER of Prisoners per 1,000 of the Population Yearly committed to, and the Number remaining in, Common Jails at the end of each of the undermentioned years.

| Year. | ONTARIO. | | QUEBEC. | | NEW BRUNSWICK. | | NOVA SCOTIA. | | PRINCE EDWARD ISLAND. | | MANITOBA. | | N. W. TERRITORIES. | | BRITISH COLUMBIA. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Commitments. | Remaining. | Commitments. | Remaining. | Commitments. | Remaining. | Commitments. | Remaining. | Commitments. | Remaining. | Commitments. | Remaining. | Commitments. | Remaining. | Commitments. | Remaining. |
| | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1.000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 | Ratio per 1,000 |
| 1880 | 5·90 | 0·47 | 3·83 | ..... | 2·58 | 0·20 | 1·59 | 0·02 | 3·17 | 0·30 | 0·84 | 0·25 | Returns not obtainable. | ..... | 8·94 | 1·23 |
| 1881 | 4·82 | 0·40 | 2·45 | ..... | 3·23 | 0·23 | 2·07 | 0·17 | 2·25 | 0·25 | 1·54 | 0·19 | | ..... | 12·96 | 1·31 |
| 1882 | 4·94 | 0·43 | 2·37 | ..... | 3·67 | 0·19 | 2·17 | 0·12 | 1·98 | 0·22 | 3·10 | 0·50 | | ..... | 13·37 | 1·96 |
| 1883 | 5·03 | 0·40 | 2·19 | 0·36 | 3·46 | 0·20 | 1·83 | 0·09 | 1·68 | 0·17 | 1·66 | 0·38 | | 0·12 | 14·60 | 1·99 |
| 1884 | 6·09 | 0·48 | 2·54 | 0·40 | 3·42 | 0·12 | 2·60 | 0·15 | 1·85 | 0·13 | 2·65 | 0·48 | | 0·12 | 22·94 | 1·85 |
| 1885 | 5·71 | 0·49 | 2·41 | 0·35 | 2·99 | 0·18 | 2·42 | 0·16 | 2·28 | 0·22 | 2·66 | 0·32 | | 0·17 | 27·23 | 2·64 |
| 1886 | 5·27 | 0·42 | 2·37 | 0·30 | 3·03 | 0·17 | 1·82 | 0·15 | 2·31 | 0·27 | 1·93 | 0·38 | | 0·08 | 15·87 | 1·69 |
| 1887 | 5·40 | 0·48 | 2·42 | 0·39 | 2·58 | 0·12 | 1·91 | 0·19 | 1·88 | 0·27 | 1·54 | 0·16 | | 0·15 | 11·16 | 2·11 |
| 1888 | 6·05 | 0·52 | 2·74 | 0·37 | 2·54 | 0·18 | 1·91 | 0·17 | 2·00 | 0·21 | 1·07 | 0·24 | | 0·25 | 13·66 | 1·36 |
| 1889 | 6·03 | 0·49 | 3·20 | 0·39 | 2·82 | 0·18 | 2·24 | 0·18 | 2·57 | 0·27 | 1·68 | 0·22 | | 0·33 | No return. | 0·85 |
| 1890 | 5·63 | 0·47 | 2·47 | 0·34 | 3·20 | 0·21 | 2·42 | 0·17 | 1·79 | 0·27 | 1·15 | 0·17 | | 0·45 | 9·11 | 1·20 |
| 1891 | 4·92 | 0·42 | 2·80 | 0·38 | 4·13 | 0·19 | 2·24 | 0·19 | 2·46 | 0·22 | 1·29 | 0·23 | | 0·47 | 11·96 | 1·40 |
| 1892 | 4·22 | 0·38 | 2·31 | 0·30 | 4·24 | 0·22 | 2 30 | 0·13 | 1·73 | 0·22 | 1·50 | 0·32 | | 0·57 | 10·88 | 1·37 |
| 1893 | 4·00 | 0·37 | 2·39 | 0·30 | 4·15 | 0·15 | 2·28 | 0·14 | 1·47 | 0·16 | 1·84 | 0·36 | | 0·74 | 9·81 | 1·36 |

It will be observed that in Ontario there has been a large reduction in the ratio of commitments per thousand of the population, and also a reduction in the number remaining in the jails at the close of the year.

For the first three years it has not been practicable to obtain the full figures for the Province of Quebec, but it will be noticed that there has been a decrease in the commitments between 1880 and 1893, and of the population remaining in the jails of that province between 1883, the first year for which a full return was obtainable, and 1893.

In New Brunswick the figures show an increase in the commitments between 1880 and 1893, and a decrease in the ratio of those remaining in jail, but, as has been already observed, they are incomplete.

In Nova Scotia, taking the year 1881, 1880 being manifestly incomplete, the figures show an increase in commitments and a reduction in those remaining in jail as between that year and 1893, but the returns from this province, are, as has already been remarked, also incomplete.

The returns from Prince Edward Island for 1893 show a very considerable reduction in the number committed and of the population remaining in the jails at the close of the year as compared with 1880.

In Manitoba as might have been expected with an increase of population principally immigrants, there has been an increase in the ratio of the number of persons committed to, and remaining in the jails. The highest ratios were reached in 1882; the lowest, in commitments, in 1888, and of those remaining in jails at the close of the year, 1887. From these dates the commitments have increased from 1·07 in 1888 to 1·84 per thousand of the population in 1893, and the number remaining in jail from 0·16 in 1887 to 0·36 per thousand in 1893. It is probable that during the period when the Canadian Pacific Railway was in course of construction through the province, there were more offences, resulting in a larger number of commitments to the jails.

In the Province of British Columbia there has been an increase in the ratio of the number of prisoners remaining in the jails between the years 1880 and 1893, though there have been periods when the ratio was larger than it was at the close of 1893. This province has the largest ratio of prisoners in its jails of any of the provinces; and it is probable that the returns do not include the whole of the prisoners under confinement. A large number of these prisoners, it should be mentioned, are Indians and Chinese.

The statistics for the North-west Territories are given in order to complete the return; but they can hardly be said to have any significance in this connection.

Generally, it may be said that there has been a reduction in the commitments to jails, and in the number of prisoners remaining in these institutions at the close of each year. The ratio of commitments per 1,000 of the population was in 1883 3·64, in 1893 3·27; of those remaining in the jails, the ratio per 1,000 of the population was in 1883 0·36, and in 1893 0·34.

In making comparisons between the ratios in the different provinces, it may be mentioned that the years do not all close at the same date, and that this fact may slightly affect the number, as in the milder months the population would probably be rather less than in the colder ones.

The years close in the various provinces as follows:—

Ontario, 30th September.
Quebec, 31st December.
New Brunswick, 31st December.
*Nova Scotia, 31st December.
Prince Edward Island, 31st December.
Manitoba, 31st December.
British Columbia, 31st December.
North-west Territories, 30th November.

Statistics in regard to the insane in public asylums are given in Appendices Nos. 9 to 16. These Appendices give the figures for each province, which with, in some instances, the opinions of the medical officers in charge of the asylums, are referred to in parts of the report which relate more particularly to the several provinces. These statistics, when compared with those given in the census returns,

* Noted. Dates apparently vary.

go to show that there is a large portion of the insane population which is not resident in the various asylums of the Dominion. The number in these asylums has, however, steadily increased. This increase probably arises, in some degree, from increased confidence on the part of the public in the administration of the asylums, and the more general realization of the fact that in these institutions the insane, in very many instances, receive more care and attention—that is, care and attention of a useful and beneficial character—than they receive elsewhere.

The following figures are given simply for the purpose of showing the changes which have taken place in the population of the provincial asylums:—

| Provinces. | Per 1,000 of Population. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Year. | Admitted. | Remaining at end of year. | Year. | Admitted. | Remaining at end of year. | Year. | Admitted. | Remaining at end of year. | Year. | Admitted. | Remaining at end of year. | Year. | Admitted. | Remaining at end of year. |
| Ontario | 1877.. | 0·24 | 1·03 | 1882.. | 0·25 | 1·28 | 1887.. | 0·20 | 1·43 | 1892.. | 0·37 | 1·68 | 1893.. | 0·34 | 1·73 |
| Quebec | 1877.. | 0·33 | 1·18 | 1882.. | 0·18 | 1·25 | 1887.. | 0·30 | 1·40 | 1892.. | 0·33 | 1·68 | 1893.. | 0.26 | 1·67 |
| New Brunswick | ..... | .... | .... | 1882.. | 0·45 | 1·11 | 1887.. | 0·38 | 1·41 | 1892.. | 0·32 | 1·40 | ..... | .... | .... |
| Nova Scotia | 1877.. | 0·22 | 0·83 | 1882.. | 0·20 | 0·90 | 1887.. | 0·25 | 0·91 | 1892.. | 0·22 | 0·80 | ..... | .... | .... |
| Prince Ed. Island | 1877.. | 0·34 | 0·75 | 1882.. | 0·36 | 0·95 | 1887.. | 0·28 | 1·10 | 1892.. | 0·29 | 1·25 | ..... | .... | .... |
| Manitoba | ..... | .... | .... | ..... | .... | .... | 1887.. | .... | 0·73 | 1892.. | 0·53 | 1·07 | 1893.. | 0·57 | 1·32 |
| British Columbia | 1877.. | 0·32 | 0·84 | 1882.. | 0·13 | 0·92 | 1887.. | 0.52 | 1·03 | 1892.. | 0·60 | 1·28 | 1893.. | 0·43 | 1·18 |
| North-w't Territories | ..... | .... | .... | ..... | .... | .... | 1887.. | 0·11 | 0·09 | 1892.. | 0·20 | 0·46 | ..... | .... | .... |

The following figures of the number of the insane in the four following provinces of the Dominion are taken from Census Bulletin No. 16, 1891:—

| —— | 1871. | 1891. | Increase. |
|---|---|---|---|
| Ontario | 4,081 | 5,855 | 1,774 |
| Quebec | 3,300 | 4,550 | 1,250 |
| Nova Scotia | 1,254 | 1,373 | 119 |
| New Brunswick | 788 | 886 | 98 |

After adding and deducting for transfers from one province to another, as shown by the figures in the same return, the increase would be:—

| —— | Increase. | Increase per cent. | Increase in Population. |
|---|---|---|---|
| Ontario | 1,911 | 46·82 | 30·5 |
| Quebec | 1,134 | 34·36 | 25·0 |
| Nova Scotia | 181 | 14·43 | 16·1 |
| New Brunswick | 83 | 10·53 | 12·4 |

The following is the classification of the insane made in the same census bulletin per thousand of the population:—

| | |
|---|---|
| British Columbia | 1·32 |
| Manitoba | 1·20 |
| New Brunswick | 2·70 |
| Nova Scotia | 3·00 |
| Ontario | 2·80 |
| Prince Edward Island | 3·00 |
| Quebec | 3·00 |
| North-west Territories | 0·50 |

Comparing the figures in the census returns with those shown in the returns of the population in the public asylums at the close of the year 1891, as per the Appendices, Nos. 9 to 16, it will be observed that the census returns are in excess of the asylum returns to the following extent:—

INSANE POPULATION OF CANADA.

| Provinces. | As per Census Bulletin, 16, Page 4. | Population in the Public Asylums, as per Returns furnished the Commission. |
|---|---|---|
| 1. British Columbia | 130 | 123 |
| 2. Manitoba | 196 | 135 |
| 3. New Brunswick | 886 | 466 |
| 4. Nova Scotia | 1,373 | 354 |
| 5. Ontario | 5,855 | 3,468 |
| 6. P. E. Island | 333 | 137 |
| 7. Quebec | 4,550 | 2,532 |
| 8. N. W. Territories | * 32 | 41 |
| Total | 13,355 | 7,256 |

* This is the population said to have been in the asylum at the end of 1890.

It has to be borne in mind that the census and asylum returns do not close at exactly the same period of the year; but this should not materially affect the comparison.

In Nova Scotia a considerable number of the insane population are lodged in almshouses, and it is probable that the same remark applies to Prince Edward Island. Of course, the insane so placed are not returned in the population of the provincial asylums. The asylums for which returns have been obtained are those maintained at the public expense, and, in the case of Quebec, only the number of patients maintained at the public expense in these asylums is given.

The same census bulletin gives the following information in regard to the insane of different countries:—

| | Per 1,000 of the Population. |
|---|---|
| Canada | 2.80 |
| England | 3.20 |
| Scotland | 3.20 |
| Ireland | 3.70 |
| France | 2.50 |
| Germany | 2.40 |
| Scandinavia | 2.90 |
| United States | 3.30 |
| Victoria (Australia) | 3.30 |

The Commissioners have not been able to find any substantial evidence proving that the insane population has been to any considerable extent increased through the drinking habits of the people of the Dominion, and it may be observed that whilst the insane of the country have, as between 1871 and 1891, increased in a greater ratio than the population, the consumption in the Dominion of liquor *per capita* has in the same period materially decreased.

In the following statement is given such information as the Commissioners have been able to collect in regard to the population in reformatories. Both Ontario and Quebec have a juvenile population in industrial schools—Quebec, perhaps, to a larger extent than Ontario—but these have not been committed for offences, and are not, therefore, classed as a part of the criminal population. In some of the other provinces there are industrial or reform schools; but the population is not wholly, if at all in many cases, of the criminal class.

INMATES OF REFORMATORIES.

| Year. | Ontario. | | Quebec. | |
|---|---|---|---|---|
| | No. | Ratio per M. | No. | Ratio per M. |
| 1881 | 377 | 0·195 | 415 | 0·305 |
| 1891 | 306 | 0·145 | 631 | 0·423 |
| 1892 | 278 | 0·130 | 569 | 0·378 |
| 1893 | 298 | 0·138 | 405 | 0·267 |

In 1881 the average of the two provinces was 0·241 per 1,000 of the population. In 1892 the average was 0·233 per 1,000, and in 1893, 0.191 per 1,000 of population.

In the report printed in 1874, entitled "Report of the Select Committee of the Senate, and third report of the Select Committee of the House of Commons, respecting a prohibitory liquor law," at pages 9 and 10, information was given in regard to arrests for offences in the cities of Montreal, Toronto, Ottawa, Quebec, Hamilton and London, for the years 1871, 1872 and 1873.

These figures given compare as follows with the arrests in the same cities for the years 1891, 1892 and 1893:—

## Statement of Arrests in the undermentioned Cities.

| Cities. | 1871. | | | 1872. | | | 1873. | | | 1891. | | | 1892. | | | 1893. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Pop'n M. | Ratio per M. | | Pop'n M. | Ratio per M. | | Pop'n M. | Ratio per M. | | Pop'n M. | Ratio per M. | | Pop'n M. | Ratio per M. | | Pop'n M. | Ratio per M. | |
| | | All Offences. | Drunkenness. | | All Offences. | Drunkenness. | | All Offences. | Drunkenness. | | All Offences. | Drunkenness. | | All Offences. | Drunkenness. | | All Offences. | Drunkenness. |
| Montreal | 107 | 98·91 | 58·77 | 111 | 98·57 | 63·07 | 116 | 104·18 | 66·83 | 217 | 39·21 | 12·93 | 225 | 32·17 | 11·36 | 235 | 29·20 | 10·38 |
| Toronto | 56 | 84·58 | 41·44 | 60 | 78·91 | 43·91 | 64 | 83·34 | 46·12 | 181 | 54·60 | 20·76 | 190 | 47·19 | 19·19 | 200 | 46·98 | 18·22 |
| Ottawa | 22 | 32·81 | 26·86 | 23 | 31·47 | 27·43 | 24 | 34·83 | 25·87 | 44 | 18·86 | 9·17 | 46 | 16·38 | 8·03 | 48 | 12·10 | 5·45 |
| Quebec | 60 | 40·03 | 20·28 | 60 | 31·66 | 14·81 | 61 | 36·16 | 16·00 | 63 | 14·12 | 7·73 | 64 | 12·90 | 7·68 | 64 | 11·46 | 6·75 |
| Hamilton | 27 | 98·85 | 24·33 | 28 | 101·92 | 31·71 | 29 | 99·37 | 30·37 | 49 | 42·37 | 8·73 | 50 | 38·05 | 7·13 | 52 | 36·73 | 6·83 |
| London | 16 | 53·12 | 17·25 | 17 | 64·23 | 22·47 | 18 | 82·38 | 27·66 | 32 | 38·21 | 20·98 | 32 | 42·56 | 21·80 | 33 | 40·48 | 21·68 |

If any reliance is to be placed upon these statistics as evidence of decreased crime and a decrease in the vice of intemperance, the general results are certainly very striking, and are matter for sincere congratulation.

The Commissioners have collected statistics of arrests for offences of all kinds —separating the arrests for drunkenness—in many of the cities and towns of the Dominion. These are to be found in Appendices 18 to 47. A perusal of them will show that the ratio of arrests to the population, has, in most cases, diminished.

The following statement—imperfect in that returns have not been obtainable for the whole period between 1881 and 1893 from all the places named—shows the changes which have taken place in the ratio of arrests, the percentage of these arrests to the total population in the cities and towns named, and the percentage of arrests for drunkenness to the total arrests. Very many of the arrests are of the same persons, especially in the case of arrests for drunkenness. It is no unusual thing for the same individual to be arrested ten or twelve times in the same year. It must, therefore, be borne in mind that, although these arrests show a percentage of 1·36 in 1893, they, in fact, represent a much smaller section of the community than that figure indicates. Then it is quite certain that the number of arrests in cities and towns for drunkenness, is larger than it is in the country districts. The arrests, it will be seen, were, for the periods given in the return, 2·02 per cent of the population in 1881, 2·00 per cent in 1888, and 1·36 per per cent in 1893.

The ratio of total arrests to the population was, in 1881, 45·59; in 1888, 45·05; in 1893, 33·24 per 1,000.

The proportion of arrests for drunkenness to the total arrests was 1881, 44·40; 1888, 44·39; 1893, 41.13.

## ARRESTS IN CITIES AND TOWNS.

STATEMENT of arrests for all offences, and arrests for drunkenness, in the undermentioned cities and towns, per 1,000 of the population.

| Cities. | 1881. | | | 1888. | | | 1893. | | |
|---|---|---|---|---|---|---|---|---|---|
| | Population. | Total Arrests. | Arrests for drunkenness. | Population. | Total Arrests. | Arrests for drunkenness. | Population. | Total Arrests. | Arrests for drunkenness. |
| | | Ratio per 1,000 of population. | | | Ratio per 1,000 of population. | | | Ratio per 1,000 of population. | |
| Halifax, N.S. | ..... | ..... | ..... | 38,354 | 31·75 | 13·40 | 39,225 | 39·36 | 19·42 |
| Dartmouth, N.S. | ..... | ..... | ..... | 5,310 | 6·96 | 2·82 | 6,954 | 14·52 | 3·88 |
| Truro, N.S. | 3,461 | 23·69 | 11·55 | 4,609 | 13·01 | 4·55 | '91 5,102 | 11·76 | 7·64 |
| Charlottetown, P. E. I. | 11,485 | 33·52 | 17·15 | 11,435 | 28·85 | 22·91 | '93 11,325 | 25·87 | 17·48 |
| St. John, N.B. | 26,127 | 46·84 | 28·24 | 24,000 | 30·62 | 18·54 | 39,200 | 39·48 | 24·15 |
| Fredericton, N.B. | ..... | ..... | ..... | 6,380 | 53·29 | 23·98 | 6,610 | 46·29 | 21·18 |
| Moncton, N.B. | ..... | ..... | ..... | 7,680 | 28·12 | 18·75 | '91 8,765 | 30·00 | 19·85 |
| Quebec. | 62,446 | 24·66 | 12·23 | 62,880 | 15·21 | 9·24 | '93 63,650 | 11·46 | 6·75 |
| Levis, P. Q. | ..... | ..... | ..... | 7,390 | 18·53 | 13·12 | 7,260 | 11·29 | 7·57 |
| Sherbrooke, P. Q. | ..... | ..... | ..... | 9,177 | 33·54 | 23·86 | 10,000 | 26·60 | 20·30 |
| Montreal, P. Q. | 155,237 | 42·09 | 17·73 | 198,224 | 41·64 | 16·51 | 235,000 | 29·19 | 10·38 |
| Hull, P. Q. | ..... | ..... | ..... | 9,800 | 18·87 | 7·65 | 12,500 | 17·84 | 6·88 |
| Ottawa, Ont. | 31,307 | 34·78 | 17·40 | 39,680 | 28·90 | 15·37 | 47,850 | 12·10 | 5·45 |
| Brockville, Ont. | ..... | ..... | ..... | 8,430 | 29·53 | 19·81 | 9,100 | 30·98 | 18·02 |
| Peterboro', Ont. | ..... | ..... | ..... | '90 9,425 | 41·06 | 15·80 | 10,300 | 36·89 | 9·32 |
| Kingston, Ont. | ..... | ..... | ..... | '88 17,550 | 38·91 | 28·20 | 20,520 | 21·88 | 15·69 |
| Belleville, Ont. | ..... | ..... | ..... | 9,794 | 87·80 | 23·07 | 10,000 | 50·70 | 11·80 |
| Toronto, Ont. | 96,196 | 58·69 | 30·22 | 162,150 | 67·25 | 30·11 | 200,000 | 46·98 | 18·22 |
| Guelph, Ont. | 9,890 | 25·07 | 11·12 | 10,275 | 25·98 | 16·05 | 10,755 | 13·85 | 9·57 |
| Berlin, Ont. | ..... | ..... | ..... | 6,400 | 1·87 | 0·15 | 8,000 | 1·62 | 0·12 |
| Owen Sound, Ont. | ..... | ..... | ..... | 6,575 | 67·68 | 26·15 | 8,110 | 34·03 | 5·17 |
| Hamilton, Ont. | 35,960 | 78·80 | 17·46 | 44,380 | 63·07 | 19·15 | 52,000 | 36·73 | 6·83 |
| London, Ont. | ..... | ..... | ..... | 28,050 | 69·91 | 35·86 | 32,750 | 40·48 | 21·68 |
| Brantford, Ont. | ..... | ..... | ..... | 12,080 | 93·37 | 31·45 | 13,340 | 68·59 | 16·26 |
| Woodstock, Ont. | ..... | ..... | ..... | 7,634 | 36·02 | 5·50 | 9,275 | 21·56 | 4·52 |
| St. Thomas, Ont. | ..... | ..... | ..... | 9,700 | 44·84 | 14·02 | 10,800 | 25·46 | 6·11 |
| St. Catherines, Ont | ..... | ..... | ..... | 9,320 | 34·65 | 15·34 | 9,065 | 35·08 | 9·70 |
| Winnipeg, Man. | ..... | ..... | ..... | 19,600 | 38·11 | 25·45 | 30,100 | 32·15 | 19·66 |
| Victoria, B. C. | ..... | ..... | ..... | ..... | ..... | ..... | '91 16,841 | 65·55 | 34·56 |
| New Westminster, B. C. | 1,500 | 124·00 | 63·33 | ..... | ..... | ..... | ..... | ..... | ..... |
| Gross total. | 433,609 | 19,769 | 8,778 | 786,282 | 35,428 | 15,728 | 944,397 | 31,399 | 12,916 |
| Average Ratio per 1,000 of the population | ..... | 45·59 | 20·24 | ..... | 45·05 | 20·00 | ..... | 33·24 | 13·67 |

| | First Period. | Second Period. | Third Period. |
|---|---|---|---|
| Percentage of arrests for drunkenness to total arrests | 44·40 | 44·39 | 41·13 |
| do do do to population | 2·02 | 2·00 | 1·36 |

The following statement shows the number of prisoners committed to the penitentiaries of the Dominion, and the number remaining therein at the end of each year, with the ratio per 1,000 of the population, for the years 1880 to 1893, inclusive:—

| Year. | Population. | Number Admitted. | Ratio per 1,000. | Number remaining at end of year. | Ratio per 1,000. |
|---|---|---|---|---|---|
| 1880 | 4,255,123 | 493 | 0·12 | 1,279 | 0·30 |
| 1881 | 4,324,810 | 602 | 0·14 | 1,218 | 0·28 |
| 1882 | 4,371,546 | 331 | 0·08 | 1,128 | 0·26 |
| 1883 | 4,419,992 | 417 | 0·09 | 1,142 | 0·26 |
| 1884 | 4,470,336 | 346 | 0·08 | 1,067 | 0·24 |
| 1885 | 4,522,753 | 482 | 0·10 | 1,112 | 0·25 |
| 1886 | 4,574,698 | 528 | 0·12 | 1,200 | 0·26 |
| 1887 | 4,623,584 | 351 | 0·08 | 1,159 | 0·25 |
| 1888 | 4,673,801 | 430 | 0·09 | 1,093 | 0·23 |
| 1889 | 4,725,425 | 432 | 0·09 | 1,195 | 0·25 |
| 1890 | 4,778,528 | 437 | 0·09 | 1,251 | 0·26 |
| 1891 | 4,833,239 | 414 | 0·09 | 1,249 | 0·26 |
| 1892 | 4,889,562 | 387 | 0·08 | 1,228 | 0·25 |
| 1893 | 4,947,627 | 352 | 0·07 | 1,194 | 0·24 |

These are not exact statistics, and it is to be regretted that exact statistics are not available. The figures given have been taken from such places as it has been practicable to obtain them, and without reference to the results which they might show when tabulated together.

The returns obtained, and hereinbefore referred to, show—

(1). An increase in the number of insane.

(2). A decrease in the number of commitments to the common jails, and of those remaining therein.

(3. A decrease in the number of population in the reformatories of Ontario and Quebec.

(4). A decrease in the number of those arrested for offences in the principal cities and towns, more particularly in those arrested for drunkenness.

(5). An increase in the number of convictions for offences of all kinds, comparing the five years ended 1890 with the five years ended 1885, but a decrease in the convictions per 1,000 of the population in the three years ended 1893, as compared with those for the five years ended 1890, and a steady reduction in the yearly ratios from 1889 to 1893.

The returns for the earlier years for which the statistics are given are supposed to be less accurate than those for the later ones. That is the opinion of the Government Statistician, which will be found expressed in the paper Appendix No. 17.

(6). Taking the statistics of convictions for drunkenness for the whole Dominion, it will be found that the average for the five years ended 1885 was 2·49 per thousand of the population. In the five years ended 1890, during the greater portion of which the Scott Act was in force in a large number of counties in Ontario, the average was 2·72 per thousand of the population. In the three years ended 1893, the average per thousand fell to 2·46. The highest ratios were in the years 1889 and 1890. These were the years immediately following the abandonment of the Scott Act throughout the counties in Ontario. In them the ratio was 2.94, and from that point there was a gradual reduction, until, in 1893, the ratio reached 2·35 per thousand.

(7). The statistics of the committals to, and those remaining in, the penitentiaries of the Dominion show a large decrease in the period between 1880 and 1893.

The Commissioners issued to the clergy throughout the Dominion 6,495 circulars, putting the questions one to seven, which are given in the following statement A. The replies received have been classified accurately as the nature of them would admit and are given in the same statement.

# REPLIES FROM CLERGY.

## CANADA.

| Questions. | Classification of Replies. | Roman Catholic. | Methodist. | Presbyterian. | Church of England. | Baptist. | Congregational. | Others. | Total. |
|---|---|---|---|---|---|---|---|---|---|
| 1.—From your experience and observation as a Clergyman, do you consider the use of intoxicating liquors in any shape as hurtful morally and socially? | Affirmative | 232 | 955 | 385 | 224 | 257 | 34 | 36 | 2,123 |
| | Negative | 70 | 5 | 17 | 172 | ..... | 3 | 5 | 272 |
| | Replies indefinite | 10 | 5 | 10 | 33 | 1 | ..... | 1 | 60 |
| | No reply | 2 | 1 | 4 | 2 | ..... | 1 | ..... | 10 |
| | | | | | | | | | 2,465 |
| 2.—What from such experience and observation is your opinion of the effect of the use, in any degree, of intoxicating liquors on the family and domestic relations, and on the care, education and prospects of children? | Hurtful | 238 | 954 | 380 | 248 | 256 | 35 | 36 | 2,147 |
| | Harmless | 36 | 4 | 21 | 136 | 1 | 2 | 4 | 204 |
| | No experience | ..... | ..... | 1 | 2 | ..... | ..... | ..... | 3 |
| | Replies indefinite | 30 | 1 | 9 | 34 | ..... | ..... | 1 | 75 |
| | No reply | 10 | 7 | 5 | 11 | 1 | 1 | 1 | 36 |
| | | | | | | | | | 2,465 |
| 3.—From such experience and observation, do you believe that in families where intoxicating liquors are used in moderation, the effect is detrimental to the social and moral habits, the domestic relations and the education and prospects of children? | Affirmative | 201 | 949 | 385 | 191 | 255 | 34 | 35 | 2,050 |
| | Negative | 102 | 7 | 21 | 196 | 2 | 3 | 6 | 337 |
| | No experience | ..... | ..... | ..... | 3 | ..... | ..... | ..... | 3 |
| | Replies indefinite | 7 | 6 | 8 | 34 | 1 | ..... | 1 | 57 |
| | No reply | 4 | 4 | 2 | 7 | ..... | 1 | ..... | 18 |
| | | | | | | | | | 1,465 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 4.—Has a Prohibitory Law been at any time in operation in a Parish, Mission or other charge in which you have been stationed? | Affirmative | 186 | 834 | 335 | 311 | 230 | 25 | 29 | 1,950 |
| | Negative | 116 | 114 | 75 | 106 | 26 | 11 | 13 | 461 |
| | No experience | 1 | 10 | 3 | 5 | 1 | ..... | ..... | 20 |
| | Replies indefinite | 2 | 5 | 2 | 2 | ..... | 1 | ..... | 12 |
| | No reply | 9 | 3 | 1 | 7 | 1 | 1 | ..... | 22 |
| | | | | | | | | | 2,465 |
| 5.—Was such law the Scott Act, the Dunkin Act or some other Local Option Law? | Scott, Dunkin and Local Option Acts | 96 | 717 | 284 | 267 | 210 | 18 | 29 | 1,621 |
| | Local Option Law | 47 | 69 | 16 | 21 | 4 | 2 | ..... | 159 |
| | N. W. Territories Act | 8 | 25 | 14 | 12 | 4 | ..... | ..... | 63 |
| | Other Laws | 29 | 23 | 20 | 14 | 12 | 3 | ..... | 101 |
| | No experience | 14 | 54 | 6 | 59 | 10 | 12 | 11 | 166 |
| | No reply | 120 | 78 | 76 | 58 | 18 | 3 | 2 | 355 |
| | | | | | | | | | 2,465 |
| 6.—From your experience and observation as a Clergyman, had such Prohibitory Law the effect of lessening drunkenness? | Lessening | 109 | 817 | 290 | 126 | 219 | 22 | 23 | 1,606 |
| | Negative | 54 | 9 | 29 | 159 | 11 | 2 | 5 | 259 |
| | No change | 1 | ..... | 1 | 2 | ..... | ..... | ..... | 4 |
| | No experience | 6 | 37 | 11 | 35 | 3 | 7 | 2 | 101 |
| | Replies indefinite | 8 | 21 | 22 | 31 | 5 | 3 | 1 | 91 |
| | No reply | 136 | 82 | 63 | 78 | 20 | 4 | 11 | 394 |
| | | | | | | | | | 2,465 |

## REPLIES FROM CLERGY—*Continued.*

| Questions. | Classification of Replies. | | Roman Catholic. | Methodist. | Presbyterian. | Church of England. | Baptist. | Congregational. | Others. | Total. |
|---|---|---|---|---|---|---|---|---|---|---|
| 7.—From such experience and observation, had such Prohibitory Law the effect— | Lessening | 1. | 92 | 735 | 267 | 112 | 190 | 19 | 19 | 1,434 |
| | | 2. | 97 | 795 | 289 | 124 | 208 | 20 | 24 | 1,557 |
| (*a*) Of increasing or lessening the drinking of intoxicating liquors— | Increasing | 1. | 24 | 12 | 11 | 77 | 2 | ..... | 2 | 128 |
| | | 2. | 25 | 5 | 13 | 90 | 2 | ..... | 2 | 137 |
| (1) In the family? | No change | 1. | 21 | 5 | 8 | 55 | 2 | 1 | 1 | 93 |
| | | 2. | 17 | 2 | 5 | 39 | ..... | 1 | 1 | 65 |
| (2) In the community? | No experience | 1. | 7 | 41 | 17 | 29 | 3 | 7 | 2 | 106 |
| | | 2. | 7 | 40 | 17 | 23 | 2 | 7 | 2 | 98 |
| | Replies indefinite | 1. | 32 | 73 | 43 | 54 | 26 | 5 | 9 | 242 |
| | | 2. | 32 | 33 | 25 | 51 | 17 | 4 | 4 | 166 |
| | No reply | 1. | 138 | 100 | 70 | 104 | 35 | 6 | 9 | 462 |
| | | 2. | 136 | 91 | 67 | 104 | 29 | 6 | 9 | 442 |
| | | | | | | | | | | 2,465 |

The circulars were forwarded to the clergy of the several denominations in the numbers set forth in the following table B, in which the replies received are also given.

It will be noticed that replies were received from only 37·95 per cent of those addressed. Eighty-five (85) circulars were returned through the dead letter department of the Post Office. The replies from the Methodist clergy were the largest in the aggregate, and the largest proportionately, being 39·19 per cent of the total replies, and 58·69 per cent of the circulars sent to that denomination.

| Denominations. | Circulars sent out. | | Replies received. | | |
|---|---|---|---|---|---|
| | Number. | Per cent. | Number. | Per cent of circulars sent out. | Per cent of total replies. |
| Roman Catholics | 2,026 | 31·19 | 314 | 15·50 | 12·74 |
| Methodists | 1,646 | 25·34 | 966 | 58·69 | 39·19 |
| Presbyterians | 961 | 14·80 | 416 | 43·29 | 16·88 |
| Church of England | 952 | 14·66 | 431 | 45·27 | 17·48 |
| Baptists | 616 | 9·49 | 258 | 41·89 | 10·47 |
| Congregationalists | 108 | 1·66 | 38 | 35·18 | 1·54 |
| Other denominations | 186 | 2·86 | 42 | 22·58 | 1·70 |
| Total | 6,495 | 100·00 | 2,465 | 37·95 | 100·00 |

The following figures taken from the last census returns (1891) show the population reported as belonging to each religious denomination, and that part of the total population not classified:—

| Denominations. | Number. | Per cent. |
|---|---|---|
| Roman Catholics | 1,992,017 | 41·21 |
| Methodists | 847,765 | 17·54 |
| Presbyterians | 755,326 | 15·63 |
| Church of England | 646,059 | 13·37 |
| Baptists | 303,839 | 6·29 |
| Congregationalists | 28,157 | 0·58 |
| Sundry other denominations | 170,721 | 3·53 |
| Not specified (including pagans) | 89,355 | 1·85 |
| | ,833,239 | 100·00 |

The names and addresses of the clergy were taken from such records as were available to the Commissioners. The lists of the Methodist clergy appear to be fuller and more complete than those of the clergy of some of the other churches, and they apparently include probationers. It is probably a fact that including all who are on the roll of that church, the ratio of their clergy to the population classified as belonging to the Methodist denomination, is larger than it is in the case of most of the other denominations.

Four thousand one hundred and ten (4,110) circulars were sent to the members of the medical profession in the Dominion. The number sent out to each Province, and the number of the replies received are given in the following table:—

| Provinces. | Circulars sent out. | Replies received. | |
|---|---|---|---|
| | | Number. | Per cent. |
| Ontario | 2,362 | 905 | 38·00 |
| Quebec | 839 | 188 | 22·00 |
| Nova Scotia | 315 | 144 | 46·00 |
| New Brunswick | 240 | 79 | 33·00 |
| Prince Edward Island | 74 | 27 | 36·00 |
| Manitoba | 134 | 57 | 43·00 |
| British Columbia | 80 | 33 | 41·00 |
| North-west Territories | 66 | 24 | 36·00 |
| | 4,110 | 1,457 | 35·45 |

The replies received are 35·45 per cent of the circulars sent out. 89 Circulars were returned through the Dead Letter office.

The replies received have been classified as accurately as the nature of them would admit, and with the questions, are given in the following table:—

| Questions. | Classification of Replies. | Ontario | Quebec. | Nova Scotia. | New Brunswick. | Prince Edward Island. | Manitoba. | British Columbia. | N.W. Territories. | Totals. | Grand Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. Is it your practice to prescribe alcohol in any of its forms—spirituous or fermented? | Affirmative..... (a.) | 48 | 14 | 8 | 4 | 1 | 4 | 5 | 2 | 86 | |
| | (b.) | 808 | 176 | 130 | 73 | 27 | 49 | 27 | 21 | 1,311 | |
| (a) For persons in health. | Negative. ..... (a.) | 821 | 167 | 133 | 74 | 26 | 53 | 24 | 21 | 1,319 | |
| (b) For sick persons. | (b.) | 39 | 10 | 14 | 5 | ..... | 1 | 2 | 2 | 73 | |
| | Repliesindefinite (a.) | 9 | ..... | ..... | ..... | ..... | ..... | 3 | 1 | 13 | |
| | (b.) | 56 | ..... | ..... | 1 | ..... | 6 | 4 | 1 | 68 | |
| | No reply..... (a.) | 27 | 7 | 3 | 1 | ..... | ..... | 1 | ..... | 39 | |
| | (b.) | 2 | 2 | ..... | ..... | ..... | 1 | ..... | ..... | 5 | |
| | | | | | | | | | | | 1,457 |
| 2. In your opinion, has the practice of prescribing alcohol increased or decreased of late years? | Increased..... | 116 | 41 | 10 | 27 | 2 | 44 | 5 | 2 | 227 | |
| | Decreased ..... | 611 | 98 | 110 | 41 | 20 | 6 | 19 | 18 | 923 | |
| | No change..... | 85 | 26 | 11 | 9 | 3 | 1 | 6 | 2 | 143 | |
| | Indefinite replies.... | 79 | 21 | 12 | 2 | 2 | 6 | 3 | 1 | 126 | |
| | No reply..... | 14 | 2 | 1 | ..... | ..... | ..... | ..... | 1 | 18 | |
| | | | | | | | | | | | 1,457 |
| 3. In your opinion, could any substitute for alcohol be used which would be equally effective? | Affirmative..... | 146 | 65 | 32 | 12 | 6 | 24 | 5 | 2 | 292 | |
| | Negative. ..... | 711 | 114 | 104 | 66 | 21 | 31 | 26 | 22 | 1,095 | |
| | Replies indefinite.... | 38 | 7 | 7 | 1 | ..... | 2 | 2 | ..... | 57 | |
| | No reply..... | 10 | 2 | 1 | ..... | ..... | ..... | ..... | ..... | 13 | |
| | | | | | | | | | | | 1,457 |

## MEDICAL MEN, CANADA—*Continued.*

| Questions. | Classification of Replies. | Ontario. | Quebec. | Nova Scotia. | New Brunswick. | Prince Edward Island. | Manitoba. | British Columbia. | N. W. Territories. | Totals. | Grand Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 4. Can you state approximately, what percentage of the cases you attend may be attributed to the use of spirituous or fermented liquors? | Under 10 %..... | 404 | 75 | 49 | 39 | 8 | 21 | 16 | 11 | 623 | |
| | 10 % to 20 %..... | 53 | 15 | 5 | 3 | ..... | 7 | 4 | 2 | 89 | |
| | 20 % to 50 %..... | 20 | 9 | 2 | 1 | 1 | 2 | 2 | 1 | 38 | |
| | Over 50 %..... | 9 | ..... | ..... | ..... | ..... | 1 | ..... | ..... | 10 | |
| | Replies indefinite ... | 284 | 40 | 70 | 34 | 18 | 24 | 10 | 9 | 489 | |
| | No reply..... | 135 | 49 | 18 | 2 | ..... | 2 | 1 | 1 | 208 | |
| | | | | | | | | | | | 1,457 |
| 5. In your opinion, and making allowance for the intemperate classes, would the general health of the remainder of the population be improved by total abstinence from the use of intoxicating beverages? | Affirmative..... | 641 | 149 | 105 | 67 | 24 | 47 | 20 | 15 | 1,068 | |
| | Negative..... | 196 | 29 | 23 | 8 | 3 | 8 | 12 | 8 | 287 | |
| | Replies indefinite ... | 56 | 10 | 11 | 3 | ..... | 2 | 1 | 1 | 84 | |
| | No reply..... | 12 | ..... | 5 | 1 | ..... | ..... | ..... | ..... | 18 | |
| | | | | | | | | | | | 1,457 |
| 6. In your opinion, is the use of intoxicating beverages, in moderation, injurious to health and to an active condition of the mind and body? | Affirmative..... | 539 | 124 | 100 | 59 | 21 | 36 | 12 | 10 | 901 | |
| | Negative ..... | 281 | 57 | 29 | 17 | 5 | 20 | 18 | 12 | 439 | |
| | Indefinite replies.... | 70 | 5 | 11 | 3 | 1 | 1 | 3 | 1 | 95 | |
| | No reply..... | 15 | 2 | 4 | ..... | ..... | ..... | ..... | 1 | 22 | |
| | | | | | | | | | | | 1,457 |
| 7. In your opinion, and judging from your experience, what percentage of deaths is attributable to the use of intoxicating beverages? | Under 10 %..... *a.* | 277 | 65 | 23 | 22 | 7 | 21 | 8 | 8 | 431 | |
| | Under 10 %..... *b.* | 239 | 55 | 25 | 20 | 7 | 14 | 7 | 6 | 373 | |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| (*a*) Directly. | 10 % to 20 %.... | *a.* | 30 | 9 | 9 | 1 | 1 | 2 | 2 | 1 | 55 | |
| | | *b.* | 51 | 16 | 7 | 4 | ..... | 3 | 1 | 2 | 84 | |
| (*b*) Indirectly. | 20 % to 50 %.... | *a.* | 13 | 2 | ..... | ..... | ..... | 3 | 1 | ..... | 19 | |
| | | *b.* | 39 | 9 | 3 | ..... | 1 | 5 | 2 | ..... | 59 | |
| | Over 50 %..... | *a.* | 4 | 2 | ..... | ..... | ..... | ..... | ..... | ..... | 6 | |
| | | *b.* | 6 | 1 | ..... | ..... | ..... | 1 | 1 | ..... | 9 | |
| | Replies indefinite | *a.* | 402 | 66 | 57 | 43 | 13 | 27 | 19 | 5 | 632 | |
| | | *b.* | 393 | 69 | 57 | 43 | 13 | 27 | 18 | 5 | 625 | |
| | No reply..... | *a.* | 179 | 44 | 55 | 13 | 6 | 4 | 3 | 10 | 314 | |
| | | *b.* | 177 | 38 | 52 | 12 | 6 | 7 | 4 | 11 | 307 | |
| | | | | | | | | | | | | 1,457 |
| 8. In your opinion, does the use of intoxicating beverages increase the number of insane persons? | Affirmative..... | | 604 | 164 | 111 | 66 | 21 | 47 | 24 | 15 | 1,052 | |
| | Negative..... | | 175 | 10 | 14 | 8 | 5 | 9 | 2 | 5 | 228 | |
| | Replies indefinite... | | 91 | 12 | 6 | 5 | 1 | ..... | 6 | 3 | 124 | |
| | No reply..... | | 35 | 2 | 13 | ..... | ..... | 1 | 1 | 1 | 53 | |
| | | | | | | | | | | | | 1,457 |

Three hundred (300) circulars were sent out to Judges and Magistrates, in which the questions set out below were asked. The table contains a classification of the replies received from 167 of those addressed, or 55·66 per cent.

| *Questions.* | *Canada Judges' and Magistrates' Answers.* | | |
|---|---|---|---|
| 1.—In your opinion, what proportion of the criminal cases which have come before you is attributable, directly or indirectly, to the use of intoxicating beverages? | 1.—Under 10 per cent. | 8 | |
| | 10 per cent to 25 per cent. | 11 | |
| | 25 " 50 " | 9 | |
| | 50 " 75 " | 65 | |
| | Over 75 per cent. | 15 | |
| | Indefinite | 53 | |
| | No reply | 6 | |
| | | | 167 |
| 2.—Does your experience in dealing with criminal cases lead you to believe that the enactment of a law prohibiting the manufacture, importation and sale of intoxicating beverages would produce a material reduction in the number of criminal cases? | 2.—Affirmative (*a*) | 101 | |
| | Negative (*b*) | 39 | |
| | Indefinite | 18 | |
| | No reply | 9 | |
| | | | 167 |
| 3.—In your opinion, could such prohibitory law, if enacted, be successfully carried out? | 3.—Affirmative | 65 | |
| | Negative | 79 | |
| | Indefinite | 19 | |
| | No reply | 6 | |
| | | | 167 |
| 4.—In your opinion, and as a result of your experience, have the licensing or local option laws hitherto enacted been successful in reducing drunkenness? If not, please state to what cause you attribute the failure. | 4.—Affirmative | 68 | |
| | Negative | 46 | |
| | Indefinite | 42 | |
| | No reply | 11 | |
| | | | 167 |
| 5.—Do you consider a local option law, with suitable provision for its enforcement in the districts where it might be adopted, calculated to produce more satisfactory results in the suppression of drunkenness and crime than a general prohibitory law? | 5.—Affirmative (*c*) | 44 | |
| | Negative (*d*) | 95 | |
| | Indefinite | 23 | |
| | No reply | 5 | |
| | | | 167 |
| 6.—In your opinion, would the more general dissemination of facts and information amongst all classes, through schools, educational establishments and otherwise, on the effects of intemperance, be better calculated than a prohibitory or local option law to secure results permanently beneficial? | 6.—Affirmative | 79 | |
| | Negative | 46 | |
| | Indefinite | 36 | |
| | No reply | 6 | |
| | | | 167 |
| 7.—In your opinion, would a reduction in the number of establishments licensed to sell intoxicating beverages tend to the lessening of drunkenness and crime? | 7.—Affirmative | 94 | |
| | Negative | 41 | |
| | Indefinite | 24 | |
| | No reply | 8 | |
| | | | 167 |

(*a.*) In answering in the affirmative 20 express the belief that a prohibitory law would reduce the number of criminal offences if it was properly enforced.

(*b.*) Of those replying in the negative 4 are of the opinion that such a law is impracticable or could not be enforced.

(*c.*) Of the 44 answering in the affirmative 6 favour local option if it could be enforced. One believes it would be difficult of enforcement.

(*d.*) Of those answering in the negative 8 prefer a prohibitory law if it could be enforced.

Circulars requesting replies to the following questions were addressed to 51 Life Insurance Companies. Replies were received from 30 companies. These replies may be classified as follows :

| *Questions.* | *Answers.* |
|---|---|
| 1—Do you make any difference in insurance on life, between total abstainers and the users of intoxicants ?<br>(*a*) If so, what difference ?<br>(*b*) And why ? | 1—Affirmative..... 3<br>Negative..... 27<br>—30<br>A few of the replies in the negative are qualified by the statement that a difference is made occasionally between abstainers and users of intoxicants. One company insures abstainers at lower rates. |
| 2—Do you make any difference between those who use intoxicants moderately and those who use them to excess ?<br>(*a*) If so, what difference ?<br>(*b*) And why ? | 2—Affirmative..... 29<br>Negative..... 1<br>—30<br>Of those answering in the affirmative several give their reasons. One company will not insure persons who use intoxicants moderately or immoderately. |
| 3—If you make such difference, are your rates for abstainers as low, or lower than the ordinary rates of companies which make no such difference? | 3—Negative..... 21<br>No reply..... 9<br>—30<br>The answers in the negative indicate that the companies make no difference in rates for abstainers. Two or three have an arrangement in regard to the distribution of their profits between abstainers and non-abstainers. |

How these statistics, of crime, etc., compare with those of some portions of the United States and other countries will be shown elsewhere in this report.

The second and third clauses of the instructions to the Commissioners the undersigned have concluded can be advantageously coupled and considered conjointly. They are:

Second,—"The measures which have been adopted in this and other countries with a view to lessen, regulate, or prohibit the traffic."

Third,—"The results of these measures in each case."

To summarize and explain the effects of all the legislation of the various countries and colonies which have legislated upon the question of the traffic in intoxicating beverages, the Commissioners have simply found to be impracticable. To do this would manifestly require the employment of a very large staff and many years of research, seeing the long period which would have to be covered, and the great number of countries or communities exercising control over the traffic, and legislating in regard to it.

The legislation of the Dominion and of the various provinces of Canada touching the traffic, and the results thereof are referred to separately.

Such information as the Commissioners have been able to collect in respect to the liquor legislation of other countries, and the results to be attributed thereto, where the latter have been obtainable with any reasonable degree of exactitude, are given under the heads of the various countries, states and colonies reported upon.

It has always to be remembered that there are other influences than legislation affecting the liquor traffic and the consumption of liquor in a community. How much of such results as may be achieved is to be attributed to these influences, and how much to the effect of legislation, can never be clearly defined.

The investigations of the undersigned, and the evidence taken, all lead to the conclusion that legislation aiming at restricting or lessening the trade in or consumption of liquor, if it is to be at all effective, must have the active and continued support of a very large majority of the community in which it is to be enforced. If it has not such support, experience shows that opposition will overbear the law, and it will either become, in effect, inoperative and demoralizing, or it will be repealed.

## DOMINION LEGISLATION.

The British North America Act (1867) gives to the Dominion Parliament the power to legislate upon all matters relating to the importation into or manufacture of liquors in Canada.

The legislatures of the several provinces possess, under that act, the power to legislate in regard to the sale of liquors within their respective territories, the number of licenses which may be granted, the charges for such, and, generally, to regulate the business.

The Dominion Parliament fixes the customs duties to be charged upon importations, and the excise charges to be levied upon liquors manufactured.

The Dominion Government issues licenses to distillers, brewers, compounders and maltsters, and collects the revenue from these sources. It is, of course, charged with the prevention of smuggling and illicit manufacture.

The position under the British North America Act may be shortly summed up as follows:—

The Dominion Legislature can enact laws prohibiting the manufacture and importation of liquors of all kinds. Such laws being enacted, the liquor license laws of the various provinces must become non-effective. If the power rests with the several provincial legislatures to enact local option laws, it follows that the manufacture and importation of liquors might be legal under the Dominion law, whilst the sale thereof, under the provincial laws, might be prohibited and, therefore, be illegal. In Ontario the question of the legality of the local option laws passed by the Provincial Legislature has been before the courts, and a case has been prepared, and is now before the Supreme Court of the Dominion, to decide the point of whether or not the power rests with the Provincial Legislature to pass prohibitory laws. A memorandum setting forth the various Acts passed in regard to the liquor traffic by the legislatures of Upper and Lower Canada, and by the Dominion Parliament, between 1791 and 1891 is printed in Appendix No. 68.

The legislation of the Dominion Parliament in regard to the liquor traffic has been confined to,—

I. The imposition of excise and customs duties.
II. The licensing and regulating of brewing, distilling, malting and compounding.
III. The Canada Temperance (Scott) Act and amendments thereto.
IV. The Liquor License (McCarthy) Act, 1883, and amendments.
V. The prohibition of the sale of intoxicants to Indians.
VI. The regulation of the traffic in the North-West Territories.

The first mentioned legislation has, with one exception, been in the direction of imposing higher duties, as will be observed on reference to the tables of excise and customs duties, Appendix No. 48.

The second has imposed more onerous and severe regulations from time to time, such, for instance, as that binding distillers to retain the product of their distilleries for two years before disposing of it.

The third class of legislation, the Scott Act, being practically local option in counties and cities, is referred to at length hereafter.

The fourth class, being an attempt to centralize and control the sale and the regulation of the traffic by the Dominion Government, whilst, at the same time, securing the revenue from licenses to the provinces and municipalities, was practically abandoned in 1885. It will be referred to again.

The sale of intoxicants to Indians, the children of the State, has always been strictly forbidden by law.

The legislation in reference to the North-west Territories and the present system are more fully dealt with in that part of this report which refers to the Territories. By a Dominion Act passed on September 30th 1891, the legislature of the Territories was empowered to deal with the traffic and has since adopted a license law with local option.

The legislation of the various provinces, together with the present state of the traffic, and the results as far as circumstances have permitted the Commissioners to ascertain them, are referred to under the name of each province.

The Act of 1883, 46 Vic. cap. 30, known as the McCarthy Act, aimed at placing the licensing and regulation of the sale of liquor under the control of the Dominion government.

It provided that a Board of Commissioners should be established by the Governor General in Council; that such board should define the conditions and qualifications requisite to obtain a license, limit the number of licenses that may be issued, regulate the hotels, saloons and shops to be licensed, and fix and define the duties, powers and privileges of the inspectors to be appointed by the Board of Commissioners.

The Act also provided that all hotel, saloon, and shop licenses were to be subjected to a payment of such duty as the legislature of the provinces within which such licenses were issued should impose, for the purpose of raising, or in order to raise, a revenue for provincial, local or municipal purposes, under the power conferred on the provinces by sec. 92 of the British North America Act, 1867.

A fee of $10 was to be paid by every applicant for a license, to cover the expenses.

The act contained many admirable provisions. Amongst them were the following:—

No saloon license was to be granted in any incorporated village, township or parish.

Licenses were not to be granted for the sale of liquors within the limits of a town, incorporated village, township or other municipality, save and except counties and cities, if in the event of a poll being taken, a majority of three-fifths of the duly qualified electors therein voted in favour of the prohibition of the sale of intoxicating liquors in their locality.

It prescribed the number of licenses of all kinds which might be issued, limiting the number to certain ratios of the population. It provided that no licenses should be issued under the provisions of the Act which should be considered to affect or impair any of the provisions of the Canada Temperance Act, 1878, and that no hotel, saloon or shop license should be issued to take effect within any county, city, town, incorporated village, or township in Canada, within which the second part of the Canada Temperance Act had been brought into force as by that Act provided, or within which "any by-law for prohibiting the sale of liquor under the Canada Temperance Act of 1864 (the Dunkin Act), or any other Act, is in force."

In 1884, by 47 Vic., cap. 32, the Act of 1883 was amended, and the following clauses were enacted:—

"26. Whereas doubts have arisen as to the power of Parliament to pass 'The Liquor License Act, 1883,' and the amendments thereof contained in this Act, it is therefore enacted that, until the question of the competence of the Parliament of Canada to pass the said Act, and this Act, be determined as hereinafter provided, no prosecution for the infringement or violation of the said liquor license acts shall be instituted against any holder of a license, for selling liquor, granted to him under the authority of any statute passed in any of the provinces, so long as such license under such authority is in force.

"2. And for the purpose of having the said question determined as soon as possible, the Governor in Council may refer to the Supreme Court of Canada, for hearing and determination, the said question as to the competence of Parliament to pass the said acts, in whole or in part, and such court shall thereupon hear and determine the same and certify their opinion to the Governor in Council; and if, in their opinion, a part or parts of the said acts only were within the competence of Parliament, then they shall certify to the Governor in Council what part or parts thereof are within such competence.

"3. The Lieutenant-Governor of any of the provinces may, with the consent of the Governor in Council, on behalf of the province of which he is the Lieutenant-Governor, become a party to the said case; and in the event of any province thus being a party thereto, it shall be entitled to be heard by counsel on the argument thereof; and all or any of the said provinces may, with the like consent, become parties thereto.

"4. The judgment of the said Supreme Court shall be final, unless, at the request of the Governor General or of the Lieutenant-Governor of any province who may have been party to the case, Her Most Gracious Majesty may be pleased to refer the matter of the said case, and the decision of the Supreme Court thereon, to the Judicial Committee of Her Majesty's Privy Council.

"This Act shall be read and construed as one Act with the Act hereby amended."

In 1885, by 48-49 Vic., cap. 74, it was enacted as follows:—

"1. The operation of such portions of 'The Liquor License Act, 1883,' and of the 'Act to amend the Liquor License Act, 1883,' as the Supreme Court of Canada has decided by its decision, whereof a copy is in the schedule to this Act annexed, to be *ultra vires*, is and shall be suspended, unless and until the same shall be decided by the Judicial Committee of the Privy Council to be *intra vires* of the Parliament of Canada."

The decision of the Supreme Court referred to in the Act, was as follows:—

"And the said case having come before the court for hearing on the twenty-third day of September last past, whereupon, and upon application of Mr. Bethune, Q.C., one of the counsel representing the Dominion of Canada, the said case so referred was amended by stating that, in pursuance of section twenty-six, subsection three, of the said Act, forty-seventh Victoria, chapter thirty-two, 'An Act to amend the Liquor License Act, 1883,' the Provinces of Ontario, Quebec, New Brunswick and British Columbia had become parties to the said case, and the said case having been subsequently further amended by stating that the Province of Nova Scotia had also become a party thereto.

"And the said case so amended as aforesaid having come on for hearing before this court, in the presence of counsel for the said Dominion of Canada, and for the said provinces, on the twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh days of September last past, whereupon, and upon hearing what was alleged by the counsel aforesaid, this court was pleased to reserve the said case for consideration; And the court, having duly considered the same, do now certify to His Excellency the Governor General in Council, in answer to the questions submitted for the determination of the said court by the said case, that, in the opinion of the said court, the Acts referred to in the said case, namely, 'The Liquor License Act, 1883,' and 'An Act to amend the Liquor License Act, 1883,' are and each of them is *ultra vires* of the legislative authority of the Parliament of Canada, except in so far as the Acts respectively purport to legislate respecting those licenses mentioned in section seven of the said 'The Liquor License Act, 1883,' which are there denominated vessel licenses and wholesale licenses, and except also in so far as the Acts respectively relate to the carrying into effect of the provisions of 'The Canada Temperance Act, 1878.'

"The Honourable Mr. Justice Henry being of opinion that the said Acts are *ultra vires* in whole."

This decision of the Supreme Court was subsequently referred to the Honourable the Privy Council, and the following decision was rendered thereon:—

[L.S.]

*AT THE COURT AT WINDSOR CASTLE.*

The 12th day of December, 1885.

Present:

The Queen's Most Excellent Majesty,
Lord President,
Lord George Hamilton,
Mr. Plunket.

WHEREAS there was this day read at the Board a report from the Judicial Committee of the Privy Council, dated the 21st of November last past in the words following, viz:

"Your Majesty having been pleased by your Order in Council of the 19th May last past to refer unto this committee the humble petition of the Most Honourable

Henry Keith Petty-Fitzmaurice, Marquis of Lansdowne, Governor General of the Dominion of Canada, humbly praying that a special case and the decision of the Supreme Court of Canada upon the same, with reference to the competence of the Canadian Parliament to pass the Acts 46 Victoria, chap. 30, and 47 Victoria, chap. 32, in whole or in part, may be referred by Your Majesty to this committee to report thereon, the Lords of the Committee, in obedience to Your Majesty's special order of reference have taken the said humble petition into consideration and having heard counsel thereupon for the Dominion of Canada and likewise for the Lieutenant-Governors of the respective Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, and having been attended by the agents for British Columbia, their Lordships do this day agree humbly to report to Your Majesty as their opinion in reply to the two questions which have been referred to them by Your Majesty, that the Liquor License Act, 1883, and the Act of 1884 amending the same are not within the legislative authority of the Parliament of Canada. The provisions relating to the Adulteration if separated in their operation from the rest of the Acts would be within the authority of the Parliament, but as in their Lordships' opinion they cannot be so separated, their Lordships are not prepared to report to Your Majesty that any part of these Acts is within such authority."

Her Majesty, having taken the said report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order accordingly. Whereof the Governor General of the Dominion of Canada, the Commander-in-Chief and the Lieutenant-Governors of the respective provinces of the Dominion for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

C. L. PEEL.

## CANADA TEMPERANCE ACT, 1878.

This Act, more commonly known as the "Scott" Act, is, perhaps, the most important legislation passed by the Dominion Parliament in regard to the liquor traffic. A synopsis of it is printed as Appendix, No. 49.

Under this Act, counties and cities in the Dominion can, by a majority of those entitled to vote for representatives in the Federal Parliament, prohibit the retail sale of intoxicating liquors within their boundaries. Twenty-five per cent of the electors of any county or city can, under this Act, by petition to His Excellency the Governor General in Council, require that a vote of the electors of the same county or city be taken on the question of the adoption of the prohibitory clauses of the Act. If a majority of the qualified electors of the said county or city vote in favour of the adoption of the Act, it is put in force by proclamation of the Governor General, all legal formalities having been previously complied with.

The Act being adopted, the retail sale of liquor, except by licensed persons for medicinal, mechanical and sacramental purposes, and then only on proper certificates, is prohibited. Quantities of not less than ten gallons can be sold under the following condition:—

"Any producer of cider in the county may, at his premises, and any licensed distiller or brewer, having his distillery or brewery within any county or city, may, at such distillery or brewery, expose and keep for sale such liquors as he manufactures thereat, and no other; and may sell the same thereat, but only in quantities not less than ten gallons, or in the case of ale or beer, not less than eight gallons at any one time, and only to druggists and vendors licensed, or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city in which this part of this Act is then in force, and to be wholly removed or taken away in quantities not less than ten gallons, or in the case of ale or beer, not less than eight gallons at a time." Subsec. 5, sec. 99, cap. 16, 41 Vic.)

It is further enacted that:—

"6. Provided also, that any incorporated company, authorized by law to carry on the business of cultivating and growing vines and of making and selling wine and

other liquors produced from grapes, having their manufactory within such county or city, may thereat expose and keep for sale such liquor as they manufacture thereat, and no other; and may sell the same thereat, but only in quantities not less than ten gallons at any one time, and only to druggists and vendors licensed as aforesaid, or to such persons as they have good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city in which the second part of this Act is then in force, and to be wholly removed and taken away in quantities not less than gallons at a time.

"7. Provided also, that manufacturers of pure native wines made from grapes grown and produced by them in Canada, may, when authorized to do so, by license from the municipal council, or other authority having jurisdiction where such manufacture is carried on, sell such wines at the place of manufacture in quantities of not less than ten gallons at one time, except when sold for sacramental or medicinal purposes, when any number of gallons, from one to ten, may be sold.

"8. Provided also, that any merchant or trader exclusively in wholesale trade and duly licensed to sell liquor by wholesale, having his store or place for sale of goods within such county or city, may thereat keep for sale and sell intoxicating liquor, but only in quantities not less than ten gallons at any one time, and only to druggists and vendors licensed as aforesaid, or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city, in which this part of this Act is then in force, to be wholly removed and taken away in quantities not less than ten gallons at a time."

The prohibitory clauses of the Act once adopted cannot be voted upon again within a period of three years. After the expiry of that time a vote may be taken upon the question of repealing the Act, the same steps for taking such vote being resorted to as in the first instance.

The statements printed as Appendices Nos. 50 and 50*a*, show the whole of the counties and cities in which the Canada Temperance Act has been voted upon and the years when such votes were taken.

It may be observed that in the County of Richmond it is the Dunkin Act, and not the Scott Act, which is in force, but hitherto this county has been classed as one of those which adopted the Scott Act. Including Richmond along with the Scott Act counties, there have been in all 135 polls upon the Act. It remains in force in 28 counties and cities, it has been voted upon in 81 counties and cities and in 51 cases the Act was either rejected in the first instance or has been repealed since it was first adopted. In two cases, namely, in Lisgar and Marquette, in the Province of Manitoba, the Act was voted upon and declared to have been adopted, but as will be seen from the subjoined communications, its terms appear never to have been enforced*

The 28 counties and cities in which the Act is now in force, are, two counties in the Province of Quebec, nine counties and one city in New Brunswick, twelve counties in Nova Scotia and three counties and one city in Prince Edward Island. A list of the places in which the Act is still in force is given in Appendix No. 51.

* "WINNIPEG, 16th July, 1894.

"Sir JOSEPH HICKSON,

"Chairman of the Royal Commission on the Liquor Traffic, Montreal, Que.

"MY DEAR SIR JOSEPH,—Referring to your favour bearing date the 19th of last month, which has remained unanswered owing to my absence from the city, I beg to say that the Counties of Lisgar and Marquette, prior to the extension of the boundaries in 1881, constituted about three-quarters of this province. That I presume was what was meant by Mr. J. W. Sifton in his evidence before the Commission upon that point. The statement that there was some flaw in the Act in consequence of which it was declared to be invalid, is evidently an inaccuracy in the report of Mr. Sifton's evidence. The fact is, and no doubt he intended so to state, that the Act was declared by the courts not to have been legally carried by reason of the fact that there was some informality in the giving of the notices required to be given before the taking of the vote; in other words, the adoption of the Act was set aside on a technical ground. As a matter of fact the Scott Act was a dead letter for some time, and then the Temperance Alliance took hold of a case for the purpose of enforcing the Act. The case came before the Court of Queen's Bench here, and that Court declared the Act not to be in force for the reasons above given. An appeal was taken to the Supreme Court, and I think the case in the Supreme Court was not decided upon its merits, but was thrown out on some technical ground respecting the proceedings taken for lodging the appeal. I am not quite certain as to the ground upon which it was thrown out, but feel quite sure that the case was not decided upon its merits.

I will secure a statement and have it sent to you containing the number of municipalities in which by-laws have been adopted forbidding the issue of licenses.* I do not remember at the moment, any case where such by-laws once adopted have been repealed, but owing to the absence of competent legal advice in the submission of the by-laws, informalities have occurred upon which the courts have declared the by-laws to be invalid, and they have accordingly been quashed.

"As to the effect of local option it is difficult to give a very positive opinion. Very reasonable and intelligent men residing in local option districts take very opposite views upon this question, but it does not appear that the adoption of local option in the rural districts has the effect of very largely decreasing drinking. In towns of considerable size the effect is more questionable.

"As soon as the statement referred to comes to hand I will see that it is forwarded without delay."

Yours faithfully,

THOMAS GREENWAY.

(*Telegram.*)

"WINNIPEG, MAN. Jan. 22, 1895.

"P. MONAGAN, Montreal.

"Do not know whether act formally repealed in these counties. It certainly is a dead letter. License Commissioners pay no attention to it."

"H. A. MACLEAN."

The Act was adopted in the three counties of Prince Edward Island—in one, in the year 1878, in another in 1879, and in the third in 1880. In the city of Charlottetown, it was adopted in 1879, repealed in 1891, and re-adopted by a small majority vote in 1894. The whole of the province may, therefore, be said to have been under a prohibitory law from the year 1880 to 1891. The statistics of crime and the consumption of liquor in the island will be referred to hereinafter.

In the Province of Ontario it was adopted at different times in 25 counties and two cities. It has been repealed in all of them, and the law is not in force in any place in the province at the present time.

In Manitoba, as has been mentioned, the Act was adopted in two counties, but it has not been acted upon and is of no effect.

In British Columbia the Act was not adopted in any city or county.

Appendix No. 50 shows the number of votes cast and the total number of those entitled to vote, as nearly as the latter could be ascertained, at the date when the various polls were taken.

The paper, Appendix No. 17, prepared by the Government Statistician, Mr. Johnson, was received in answer to a request made to the government by the Commission for information touching the effect the adoption of the Canada Temperance Act had had upon the consumption of liquor, and the total volume of offences in the districts in which the act had been in force. It is explained in the paper that the statistics of convictions for offences in the various districts in Ontario which adopted the Act cannot be given, as the returns are made in accordance with divisions of the country provided by the Provincial Government, and the population according to divisions provided by the Federal authorities, and these do not coincide. It may be mentioned that there are no statistics which give the consumption of liquor in cities or counties.

The following statement gives the number of places in which the Canada Temperance Act was in force in each year from 1878 to 1893:

| Year. | No. of Places. | Year. | No. of Places. |
|---|---|---|---|
| 1879 | 11 | 1887 | 62 |
| 1880 | 12 | 1888 | 53 |
| 1881 | 23 | 1889 | 34 |
| 1882 | 27 | 1890 | 32 |
| 1883 | 28 | 1891 | 32 |
| 1884 | 31 | 1892 | 30 |
| 1885 | 43 | 1893 | 30† |
| 1886 | 62 | | |

*Not received.

†NOTE.—Includes two counties in Manitoba in which the Act is not operative.

It will be noticed that the maximum was reached in the years 1886 and 1887, and that there was a reduction of nine in 1888. Taking the four years ended 1888, and dealing with the Dominion, the statistics of the consumption of liquor show that in those years the entries for consumption, reduced to an alcoholic basis, were 0·626 parts of a gallon per capita of the population. In the four years preceding, the entries for consumption were 0·699 parts of a gallon, and in the four years succeeding the year 1888, they were 0·640 parts of a gallon per capita of the population.

The license year in Ontario and Quebec begins on the first of May. The statistics of the liquor entered for consumption are for the year ended the 30th June. There was a large decrease in the consumption of spirits, and an increase in the consumption of beer, in the two latter periods. How far this can be attributed to the increased production of lager beer (made principally in Ontario) elsewhere referred to, it is not practicable to determine.

With reference to the criminal statistics, if they are taken for the periods referred to above, that is for the four years ended 1888, and for the four years preceding and succeeding that period, they show the following results:—

| | All Offences. | Drunkenness. | Offences against Liquor Laws. | |
|---|---|---|---|---|
| Four years ended, 1884..... | 7·04 | 2·49 | 0·41 | per 1,000 of the population. |
| do do do 1888..... | 7·65 | 2·55 | 0·70 | |
| do do do 1892..... | 7·81 | 2·72 | 0·50 | |
| They were for 1892..... | 7·22 | 2·35 | 0·42 | |
| do do do 1893..... | 7·21 | 2·35 | 0·54 | |

It will be noticed that the convictions for offences against the liquor laws largely increased in the four years ended 1888—the Scott Act period. They reached a higher figure in 1887 than was ever touched before, and the figures in 1888 were the highest covered by the period for which these statistics have been prepared, being 3,108, against 1,235 in 1885.

The places in which the Canada Temperance Act was abandoned in the years immediately preceding 1890 were almost wholly in the Province of Ontario. The statistics of the consumption of liquor in that province show the following results for the four years, 1885 to 1888, and the four years preceding and succeeding :—

| | | |
|---|---|---|
| Four years ended 30th June..1884..... | 0·768 | Gallons of alcohol per capita. |
| do do (Scott Act years).1888 ..... | 0·702 | |
| do do .....1892..... | 0·705 | |
| It was in the year... .....1892 ..... | 0·622 | |
| do do do .....1893..... | 0·652 | |

The statistics of convictions for offences are:—

| Four years ended | All Offences. | Drunkenness. | Offences against Liquor Laws. |
|---|---|---|---|
| Sept. 40th, 1894..... ..... | 8·76 | 2·75 | 0·47 |
| do 1888 (Scott Act period) | 10·22 | 2·97 | 1·06 |
| do 1892..... ..... | 9·53 | 2·67 | 0·64 |
| For the year 1893..... ..... ..... | 8·06 | 1·75 | 0·62 |

In Ontario very elaborate statistics are kept of commitments to the jails for different offences.

Tables showing the total commitments for all offences, and the commitments for drunkenness in the province, from 1876, will be found among the Appendices to this report, Nos. 52 and 53. Another table, No. 54, divides the periods between 1881 and 1892 into three sections of four years each. Analyzing them, as has be n

done in the case of the convictions for the dominion reported to Ottawa, they show the following results:—

| | Per 1000 of Population. For all Offences. | For Drunkenness. |
|---|---|---|
| Four years ended 30th September, 1884 | 5·22 | 1·96 |
| " " " " " 1888 | 5·61 | 1·95 |
| " " " " " 1892 | 5·19 | 1·86 |
| For year " " " 1892 | 4·22 | 1·28 |
| " " " " " 1893 | 4·00 | 1·23 |

The period in which the Canada Temperance Act was in force in the largest number of places was the four years ended 1888. The returns show the number of commitments for drunkenness in that time to have been about the same as in the previous period, and the average in the succeeding four years to have been the lowest. The ratio in each of the years 1892 and 1893 continued to decrease. Commitments for all offences were largest in the Scott Act period. In the years 1892 and 1893 there was a large decrease in the commitments, and they were lower than in any previous period.

Witnesses before the Commission, who were in favour of a prohibitory law, claimed that the reduction in the commitments for drunkenness resulted from the operation of the Canada Temperance Act. On the other hand, it is certain that the number of prosecutions for breaches of the law, as has already been mentioned, largely increased in that period. That drunkenness was not put an end to by the operation of the Act in the places where it was adopted, is established by the criminal returns, and by evidence presented to this Commission. That the effect of the law, when first put into operation, was to reduce the number of committals for drunkenness is probably a fact; but the statistics indicate that commitments for that offence again increased in several places in the last year in which the law was in force.

Taking the whole province, the statistics show that the convictions for drunkenness reached the highest figure in 1889. They increased from 4,694 in 1884 to 6,633 in 1888 and 7,059 in 1889, but went down to 3,967 in 1892 and 3,787 in 1893. Of course, there was an increase of the population in those years. Taking the convictions per 1,000 of the population, it will be seen that there was a large increase between 1884 and 1889, but a great decrease in 1892 and 1893. Taking the whole of the convictions for offences in the province, they rose from 16,276 in 1884 to 23,017 in 1888, and have since gradually declined, being in 1892, 17,081, and in 1893, 17,362.

The committals to jail for all offences, and for drunkenness, for the districts in which the Scott Act was in force, have been taken out, and they are shown in Appendices Nos. 55, 56 and 57. It will be noticed that in some of the counties there are included cities in which the provisions of the Canada Temperance Act did not apply. An examination of the statements shows that in very many cases the commitments were in the last year greater than they were in the first year in which the act was in operation. The maximum number of places in which the Act was adopted in the province was reached in 1887. Summarizing these returns, the results are:—

## Average commitments for all offences.

| Period. | Halton. | Oxford. | Bruce, etc. | Brant, etc. |
|---|---|---|---|---|
| For 6 years ended 1881 | 223·16 | ..... | ..... | ..... |
| " 6 " " 1887* | 210·66 | ..... | ..... | ..... |
| " 6 " " 1893 | 334·83 | ..... | ..... | ..... |
| " Year " 1893 | 225·00 | ..... | ..... | ..... |
| For 4 years ended 1884 | ..... | 261·25 | ..... | ..... |
| " 4 " " 1888* | ..... | 420·25 | ..... | ..... |
| " 4 " " 1892 | ..... | 245·50 | ..... | ..... |
| " Year 1893 | ..... | 167·00 | ..... | ..... |
| For 3 years ended 1884 | ..... | ..... | 700·00 | ..... |
| " 3 " " 1887* | ..... | ..... | 678·66 | ..... |
| " 3 " " 1890 | ..... | ..... | 682·00 | ..... |
| " 3 " " 1893 | ..... | ..... | 564·00 | ..... |
| For 3 years ended 1885 | ..... | ..... | ..... | 3,621·66 |
| " 3 " " 1888* | ..... | ..... | ..... | 3,336·66 |
| " 3 " " 1891 | ..... | ..... | ..... | 3,518·33 |
| " Year 1892 | ..... | ..... | ..... | 2,594·00 |
| " " 1893 | ..... | ..... | ..... | 2,556·00 |

* Scott Act years.

## Average yearly commitments for drunkenness in Scott Act Counties.

| Period. | Halton. | Oxford. | Bruce etc. | Brant etc. |
|---|---|---|---|---|
| For 6 years ended 1881 | 9·00 | ..... | ..... | ..... |
| " 6 " " 1887* | 7·33 | ..... | ..... | ..... |
| " 6 " " 1893 | 10·00 | ..... | ..... | ..... |
| " Year 1893 | 4·00 | ..... | ..... | ..... |
| For 4 years ended 1884 | ..... | 39·50 | ..... | ..... |
| " 4 " " 1888* | ..... | 40·75 | ..... | ..... |
| " 4 " " 1892 | ..... | 41·00 | ..... | ..... |
| " Year 1893 | ..... | 38·00 | ..... | ..... |
| For 3 years ended 1884 | ..... | ..... | 140·66 | ..... |
| " 3 " " 1887* | ..... | ..... | 47·33 | ..... |
| " 3 " " 1890 | ..... | ..... | 83·66 | ..... |
| " 3 " " 1893 | ..... | ..... | 64·00 | ..... |
| For 3 years ended 1885 | ..... | ..... | ..... | 1,199·33 |
| " 3 " " 1888* | ..... | ..... | ..... | 1,088·33 |
| " 3 " " 1891 | ..... | ..... | ..... | 1,295·33 |
| " Year 1892 | ..... | ..... | ..... | 712·00 |
| " " 1893 | ..... | ..... | ..... | 774·00 |

* Scott Act years.

The Dominion Government issued to vendors of liquor for mechanical, medicinal and sacramental purposes in the Scott Act counties in Ontario, during the time the McCarthy Act was in force, licenses as under :—

| District. | No. of Licenses. |
|---|---|
| Brant | 1 |
| Bruce | 18 |
| Carleton | 1 |
| Dufferin | 13 |
| Dundas | 4 |
| Glengarry | 2 |
| Lambton | 1 |
| Norfolk | 10 |
| Oxford | 14 |
| Renfrew | 8 |
| Simcoe | 21 |
| Stormont | 4 |
| Total | 97 |

The Ontario Government issued the following licenses:—For the years 1885-6, 9; 1886-7, 210; 1887-88, 187; 1888-9, 113.

The evidence taken by the Commission in regard to the causes leading to the repeal of the Canada Temperance Act throughout all the counties and cities of Ontario which had adopted it, is conflicting. The advocates of prohibition, represented by the Dominion Alliance and the Ontario Provincial Alliance, claim and assert that the effect of the Act was highly beneficial; that it reduced the number of commitments to jail for drunkenness, and conferred other advantages. The Alliance appears to have urged upon the friends of temperance throughout the Province to vote for the continuance of the Act, to persevere in their attempts to effectively enforce it, and not to be discouraged by the difficulties which had been encountered in carrying it out. When called upon to explain why, in the face of these facts, the various communities voted to repeal the Act, the general reply was that it had not been efficiently enforced; that the people had become discouraged, and could not be induced to continue their efforts to give effect to the law; that this state of things had been brought about by apathy, or something worse, on the part of the officials whose duty it was to administer the law, and that the conflict of jurisdiction between the Dominion and Provincial Governments, arising out of the passage of the Act of 1883, (the McCarthy Act), paralyzed the efforts of those who sought to have the law efficiently administered. On the other hand, it was shown that prosecutions for breaches of the law were numerous; that between May, 1888, and May, 1889, the inspectors appointed by the Ontario Government had laid 9,457 informations, and obtained 5,663 convictions.

The following extract is from a letter dated December 21, 1893, written by the head of the License Branch of the Ontario Treasury, Mr. Henry Totten :—

"I beg to say that in February or March of 1885 the Ontario Government undertook to enforce the provisions of the Scott Act. About that time inspectors were appointed for a great many counties for the express purpose of enforcing that law. They were appointed, in very many cases, upon the express recommendation of the temperance people, for the reason, as they represented, that an officer who was in sympathy with the law should be specially required to enforce it. Having been appointed, instructions were given to the Inspectors to enforce the law, and, from time to time, circulars were issued having that express object in view. The convictions were obtained by these officers in the ordinary discharge of their duties."

At one time in Ontario twenty-five counties and two cities were under the Scott Act. This represented, according to the evidence of Mr. Totten, three-fourths of the whole province.

In February, 1886, a gentleman was placed in the head office who was thoroughly in sympathy with the views of the supporters of the Scott Act, and whose duty it was to see to the enforcement of the law. Concerning him, Mr. Totten, who has been chief officer of the License Branch for 17 years, in giving his evidence said:—

At the head office, a well-known, tried and much respected temperance man, who had some experience, was employed, whose duty it was to supervise the conduct of the inspectors, and see that they faithfully discharged their duties. This officer is now deceased, but he lived to see the Scott Act repealed in all the counties of Ontario. He faithfully, and to the best of his ability and he was a man of much ability, discharged his duty."

In 1886 the law was amended, so as to enable the Governor in Council to order the payment of fines collected to be made to the province, municipality, or local authority incurring the expense of prosecutions, and from November, 1886, according to the same witness, there was no difficulty arising out of the laws about funds to meet expenses; but, continued Mr. Totten,—"Many of the County Councils in the Scott Act counties, delayed, objected, or absolutely refused to contribute anything towards the expenses of enforcing the Act, although it had been carried by a liberal majority, and a Provincial Act had been passed requiring them so to do."

Another difficulty met with in carrying out the law was the objections taken to the decisions of justices having years of experience in the administration of the laws. These decisions, when appealed from, were almost invariably quashed by the courts, and, pending such appeal cases, prosecutions were deferred. To meet this difficulty, suggestions came from various quarters that the remedy lay in the appointment of police magistrates. Down to May, 1887, the Provincial Government had no power to appoint police magistrates with salaries. Salaries could only be paid by resolution of the county councils; but the council, as a rule, refused to pass such resolution.

Mr. Totten, in his evidence, said:

"Although a majority of the electors voting on the question had been favourable to the introduction of the Scott Act, the representatives of the people in the Councils refused for a long time either to contribute funds or pay salaries of the police magistrates for the purpose of enforcing the law. To meet some of these difficulties, the Provincial Government was empowered by an Act passed in 1887, 50 Vic. chap. 2, to appoint police magistrates in Scott Act districts and to fix their salaries to be paid by the counties. Under this act a large number of police magistrates were appointed, having been recommended by representative temperance people in sympathy with the proper execution of the Scott Act. The organization was from that time complete: 1st, the board of commissioners; 2nd, the inspector; 3rd, the police magistrates; 4th, representative in the head office. All these were officers recommended by, or acceptable to, the temperance people. 5th, there was then plenty of money."

It would appear, therefore, that not only was exceptional machinery created to enforce this particular law, but the magistrates and the officers were selected, at any rate in great measure, on account of their well understood sympathy with the objects of the enactment.

Mr. Totten went on to state that, notwithstanding all these measures, "The difficulties still increased. Defects were discovered in the law that could be remedied only by legislation; rulings in the lower court stayed proceedings in that class of cases until reversed on appeal. The complaints of inspectors were almost universal. 'We stand alone, no one supports us in this community.' They had frequent occasion to complain of the conduct of many of those who voted for the Act. The peace, good-will and neighbourly feeling existing in many localities prior to the introduction of the Act were destroyed. In such localities perjury was common, arson was suspected, and buildings were injured or destroyed by dynamite explosions, and life was endangered. Public sentiment was at first shocked by this state of affairs, but did not manifest itself in such a way as to prevent their recurrence, and, eventually, it became apathetic."

Mr. Totten most emphatically denied that there was any want of energy or any apathy on the part of the officers entrusted with the administration of the law. He stated that, notwithstanding all efforts, "illicit traders in intoxicating liquors sprang up everywhere" in the Scott Act counties.

It is a feature which is brought out very prominently in most instances where prohibitory legislation has been put in force, that it has been considered by those promoting such that the ordinary officials and tribunals cannot be trusted to give effect to it, but that men with well-known and openly-declared proclivities must be selected to administer the law.

In the State of Massachusetts a joint committee of the Senate and Legislative Assembly, appointed to investigate certain petitions praying for the enactment of a law for the regulation of the sale of spirituous and intoxicating liquors, and the petition of the Massachusetts College of Pharmacy, asking for alterations in the then existing laws, together with various remonstrances of legal voters, etc., etc., in their report made in 1867, said:

"These statutes (the statutes relating to the sale of spirituous and intoxicating liquors), have constituted a prominent feature in the criminal legislation of the state for many years. Enacted originally with the sincere belief on the part of many good men that they were right in principle, and would prove successful in operation, they were designed, undoubtedly, like other criminal statutes, to promote the good order, peace and security of the community.

"In our republican form of government we have always recognized the fact that no criminal laws can be faithfully executed, (and therefore should not be enacted), which are not sustained by the moral convictions of the people. When we make changes in them from time to time, we are content to leave the execution of the new laws with the ordinary instrumentalities. For the administration of our entire code, old laws and new laws, we have relied upon the vigilance of ordinary municipal officers to complain of violations; the fidelity of prosecuting officers, elected by the people, to take charge of the complaints or indictments, when made or found; the honour and good sense of juries, selected under long-established and well-known rules, to convict or acquit, according to the law and the evidence, and the discretion of the judges, in case of conviction, to impose reasonable sentences. All these regular and ordinary methods were open for the execution of the statutes upon the sale of liquor. If the moral judgment of the people approved the law, there was no sufficient reason in the nature of things why police officers, district attorneys, juries and judges should not be as prompt and decided in doing their respective duties by this as well as other laws. Yet the course of the supporters of the present statutes seem to indicate great distrust upon their part of all these parties, or, rather, there is something in the law so different from the principles of our ordinary criminal legislation, and so repugnant to the popular instincts, that new and arbitrary methods are necessary to enforce it."

And again:—

"It was believed that juries in various parts of the commonwealth, selected and empanelled in the ancient way, under a system entirely satisfactory until the enactment of the present law, would not sometimes convict in liquor cases upon proper evidence, through the opposition to the law on the part of some of their number. Accordingly, during many sessions of the Legislature, attempts have been made, in several instances well-nigh successful, for the avowed purpose of procuring more convictions in liquor cases, to change the system of trial by jury, either by excluding liquor dealers from the panel, or all whose opinions would prevent them from convicting, or by giving to the prosecuting officer the right to challenge too peremptorily."

And, again:—

"We have referred to them (various enactments) simply as indicating the judgment of the most prominent and earnest supporters of the present prohibitory law, that its execution cannot safely be entrusted to the ordinary officers and methods, sustained by the moral convictions of the people; and, again, as indicating that the reason why its execution cannot safely be entrusted to them is because

in principle it differed so widely from other criminal legislation. Surely if the people thoroughly approved the law, there would seem to be no occasion for these departures from our long established system in the administrations of criminal statutes."

It may be mentioned that since the year 1888 no attempt has been made to put the Canada Temperance (Scott) Act in force in any city or county in which it had not previously been, at some time or other, voted upon, so that the advocates of prohibition, in so far as that legislation supplied them with the machinery for carrying out their views, have not done more than attempt to keep the law in force in such communities as had previously adopted it. In short, the law, as an aggressive weapon, has been abandoned.

Of the expenditure incurred by the Dominion and Provincial Governments and the municipalities through the liquor traffic, it has been already remarked that it is impracticable to make even an approximate estimate.

The expenditure of the Dominion consists of that part of the expenses of collecting the revenue from the excise and customs duties on liquors, the cost of inspection, and the prevention of smuggling, etc.

The expenses of the penitentiaries are borne by the Dominion, but the population of these institutions consists of those who have been guilty of the more serious class of crimes, and it is probable that only a comparatively small proportion of the offences for which they are incarcerated are to be attributed to intemperance.* The evidence taken by the Commission goes to show that those who are convicted for the graver crimes are not generally persons of intemperate habits.

The Provincial Governments were appealed to to supply information in regard to the following:—

(*a*) The cost to the province of the criminal classes whose offences could be attributed to intemperance.

(*b*) The cost of maintaining the poor whose poverty could be attributed to the same cause.

(*c*) The cost of maintaining the insane whose insanity was attributable to over indulgence in intoxicants.

(*d*) Any information in regard to the expenditure of the municipalities (if any) within the province, for the same purposes, and which might be in the possession of the Provincial Governments.

In no instance has any one of the provinces been able to supply the information. Statements were, in some cases, sent in, giving the total expenditure on jails and asylums, and, in the case of Prince Edward Island, of the poorhouse; but no attempt at classification was made. In some of the provinces, as has been already mentioned, the Provincial Governments are without information of any kind on these subjects.

There are no general statistics of the expenditure by municipalities from which even an estimate could be made of the expenditure incurred in connection with the liquor traffic. If complete statements of all the disbursements of the municipalities did exist, it would be hardly practicable to extract, with any degree of accuracy, the portion of such due to that traffic.

If we take the expenditure of cities and towns, it is probably true that if drunkenness could be entirely put an end to, a reduction would be possible in the police expenditure. In the country districts a complete cessation of the traffic would probably have no appreciable effect on the charges for police services. The Recorder's and Police Courts throughout the country could not be wholly discon-

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NOTE.—* In the reports of the Kingston and St. Vincent de Paul Penitentiaries, the prisoners committed were classified as follows:—

| | | | |
|---|---|---|---|
| Kingston, 1891-92 | 35⅜ | per cent | intemperate. |
| 1892-93 | 29⅜ | " | " |
| St-Vincent de Paul, 1891-92 | 54 | " | " |
| 1882-93 | 44¾ | " | " |

tinued if there was no liquor traffic, and it is doubtful if the expenditure in connection with them could even be appreciably reduced. A very large number of the cases which come before these courts arise out of municipal laws, which have no connection whatever with the liquor traffic.

There are a considerable number of persons committed for drunkenness to the various jails in the provinces, and probably some portion of the vagrants, of whom there is always a large number in the jails, get there through intemperance. There are also other cases which may be classed as resulting from over-indulgence in intoxicants. To the extent by which the number of the population of the jails could be reduced, the expenditure for food and lodging would probably be reduced. There are cases where the prisoners who are made to work earn something towards their maintenance. It is certain that the jails could not be discontinued. The lower grades of the staff could, probably, if there was a considerable diminution in the number of the prisoners, be reduced.

As regards the expenditure in connection with the insane asylums of the country, it is probably only very slightly increased from cases arising out of the liquor traffic.

There is, of course, a large expenditure incurred on reformatories, but, again, it is next to impossible to form any idea of the proportion of that expenditure which is chargeable to intemperance.

A very large proportion of the indigent poor are taken care of in charitable institutions, the funds of which are supplied by voluntary contributions.

A statement has been prepared, Appendix No. 58, of the expenditure for one year of the Dominion, provinces and municipalities, as far as it has been obtained, in connection with all these institutions.

It is almost unnecessary to say that economies in the direction indicated could only be effected if drunkenness were either extinguished or materially reduced. Hitherto the prohibition system can hardly be credited with having accomplished either of these results.

A perusal of the statements in Appendix No. 48 will show that there has been a steady increase in the imposts charged upon liquors, and also generally in the fees imposed for licenses, where such are issued.

The figures indicate that there has been a reduction in the consumption of spirits and of imported wines, and a large increase in the consumption of beer. About the year 1860 lager beer began to be made on a moderate scale, but it was not until 1876 that it reached any considerable proportions. The quantity has since then continued to steadily increase, until in 1893 it reached 5,368,652 gallons, or about 32 per cent of all the malt liquor made. Reducing the whole quantities consumed to the basis of alcohol, as set forth in the following table, the figures show a considerable reduction in the average consumption of the ten years ended 1890 from the average consumption of the ten years ended 1880, and a reduction in the consumption in the five years ended 1890 from the average consumption in the five years ended 1885.

The ratio of alcohol adopted as the basis of calculation is not an absolutely exact quantity, but it is considered by those having long experience of the business to be a reasonable estimate. Inasmuch as the basis is the same in all the periods, it should not materially affect the comparison of one with another.

The average consumption in the years 1891, 1892 and 1893 was again lower than it was in the five years ended 1890.

DOMINION OF CANADA.

| Consumption. | | Galls. | Alcohol, say | Consumption per capita in Alcohol. |
|---|---|---|---|---|
| Average 10 years ended 1880 | Spirits | 1·148 | 50 per cent. | ·574 |
| | Wine | ·145 | 20 " | ·029 |
| | Beer | 2·273 | 6 " | ·136 |
| | | | | ·739 |
| Average 10 years ended 1890 | Spirits | ·922 | 50 " | ·461 |
| | Wine | ·112 | 20 " | ·022 |
| | Beer | 3·054 | 6 " | ·183 |
| | | | | ·666 |
| Average 3 years ended 1893 | Spirits | ·721 | 50 " | ·360 |
| | Wine | ·103 | 20 " | ·021 |
| | Beer | 3·599 | 6 " | ·216 |
| | | | | ·597 |
| Average 5 years ended 1885 | Spirits | 1·046 | 50 " | ·523 |
| | Wine | ·119 | 20 " | ·024 |
| | Beer | 2·747 | 6 " | ·165 |
| | | | | ·712 |
| Average 5 years ended 1890 | Spirits | ·799 | 50 " | ·399 |
| | Wine | ·104 | 20 " | ·021 |
| | Beer | 3·362 | 6 " | ·202 |
| | | | | ·622 |
| Average 3 years ended 1893 | Spirits | ·721 | 50 " | ·360 |
| | Wine | ·103 | 20 " | ·021 |
| | Beer | 3·599 | 6 " | ·216 |
| | | | | ·597 |

The weight of the evidence taken by the Commission is to the effect that there is less drinking, and less drunkenness throughout the Dominion at the present time than there was formerly. The statistics presented show that there is a smaller consumption of liquor; at the same time they indicate an increase in the number of convictions for offences against the laws, if the returns for 1881 are taken as the starting point. As that was the first year in which the returns were collected, the apparent increase may be attributed in a great measure to:

1st. More accurate returns being made in the subsequent years covered by the statistics.

2nd. An increase in the number of offences against municipal ordinances, in part arising from the enactment of ordinances creating new offences, and the increase of population in cities.

3rd. The more efficient enforcement of the laws.

Municipal offences can hardly have more than a remote connection with intemperance in most cases.

The following statements are given in order to show, in as succinct a manner as possible, the great result indicated by the statistics presented. The Commissioners desire to repeat that the proportions of alcohol in the liquors consumed are arbitrary quantities; that cider and domestic wines are not included in the calculation, and that, as regards the consumption of liquor in the various provinces, the gallons taken are those entered for consumption in each province. As regards the Dominion at large, the quantities are taken from the official returns, and are, the Commissioners believe, accurate.

STATEMENT showing the estimated, per capita, consumption of alcohol, the convictions for all offences, convictions for drunkenness, and convictions for offences against the liquor laws in the Dominion and in the several provinces thereof during the undermentioned periods.

DOMINION.

| — | Gallons alcohol per capita. | Convictions for all offences per M of the population | Convictions for drunkenness per M. of the population. | Convictions for offences against the liquor laws per M. of the population. |
|---|---|---|---|---|
| Ten years ended 1890 | ·666 | 7·51 | 2·61 | ·56 |
| Five years ended 1890 | ·622 | 7·87 | 2·72 | ·69 |
| Three years ended 1893 | ·597 | 7·40 | 2·46 | ·48 |
| **ONTARIO.** | | | | |
| Ten years ended 1890 | ·738 | 9·71 | 2·95 | ·77 |
| Five years ended 1890 | ·677 | 10·37 | 3·10 | 1·02 |
| Three yeass ended 1893 | ·654 | 8·40 | 1·98 | 0·56 |
| **QUEBEC.** | | | | |
| Ten years ended 1890 | ·764 | 5·55 | 1·75 | ·35 |
| Five years ended 1890 | ·728 | 6·26 | 2·22 | ·36 |
| Three years ended 1893 | ·672 | 6·87 | 2·61 | ·24 |
| **NOVA SCOTIA.** | | | | |
| Ten years ended 1890 | ·330 | 3·21 | 1·39 | ·14 |
| Five years ended 1890 | ·319 | 3·06 | 1·30 | ·19 |
| Three years ended 1893 | ·305 | 3·73 | 1·66 | ·29 |
| **NEW BRUNSWICK.** | | | | |
| Ten years ended 1890 | ·432 | 6·89 | 4·07 | 0·50 |
| Five years ended 1890 | ·390 | 6·81 | 3·97 | 0·67 |
| Three years ended 1893 | ·362 | 7·50 | 4·44 | 0·99 |
| **PRINCE EDWARD ISLAND.** | | | | |
| Ten years ended 1890 | ·212 | 4·99 | 2·62 | 0·67 |
| Five years ended 1890 | ·187 | 4·86 | 2·81 | 0·70 |
| Three years ended 1893 | ·153 | 4·55 | 2·57 | 0·61 |
| **MANITOBA.** | | | | |
| Ten years ended 1890 | ·774 | 15·81 | 8·64 | 0·61 |
| Five years ended 1890 | ·660 | 8·24 | 4·34 | 0·21 |
| Three years ended 1893 | ·671 | 7·18 | 3·55 | 0·18 |

BRITISH COLUMBIA.

| — | Gallons alcohol per capita. | Convictions for all offences per M. of the population. | Convictions for drunkenness per M. of the population. | Convictions for offences against the liquor laws per M. of the population. |
|---|---|---|---|---|
| Ten years ended 1890 | 1·088 | 10·58 | 4·75 | 1·35 |
| Five years ended 1890 | 1·113 | 11·16 | 4·60 | 1·22 |
| Three years ended 1893 | 1·262 | 13·98 | 6·26 | 1·52 |
| NORTH-WEST TERRITORIES. | | | | |
| Ten years ended 1890 | .... | 3·60 | 0·60 | 0·78 |
| Five years ended 1890 | .... | 4·33 | 0·82 | 0·91 |
| Three years ended 1893 | .... | 6·57 | 1·70 | 0·61 |

NOTE.—Spirits are computed at 50 per cent; malt liquors, of which a large quantity is lager beer, 6 per cent; wines, 20 per cent.

The quantities are those entered for consumption. In the case of the Dominion, they are supposed to be correct. Between the provinces there are interchanges—more particularly in the east—of which no records are kept. The returns are, as regards the provinces, therefore only approximations.

The preceding tables present several interesting results. Taking the Dominion at large, and the average of the consumption of alcohol, convictions for offences of all kinds, convictions for drunkenness, and for offences against the liquor laws, it will be observed that the averages of the three years which ended in 1891 were smaller under every one of the heads mentioned, than the averages of the ten years preceding 1891.

British Columbia has the largest ratio of consumption and the largest ratio of convictions for offences in the years subsequent to 1890, and it is only exceeded by Manitoba in the ratio of convictions for all offences and for drunkenness, during the ten years preceding 1891. The return of convictions includes many for offences committed by Indians and Chinese. It will be observed on examination of the returns that the consumption and convictions have increased, and that they were higher in every year subsequent to 1890 than they were on the average of the ten years preceding 1891.

In Manitoba, the ratios of convictions for the ten years ending in 1890 were very high, but subsequently they steadily declined, and in the years after 1890 down to 1893 were each year lower than the averages of the ten years preceding. The highest ratios were reached in the first five years when the results were probably affected by the large influx of immigrants and the population temporarily employed on railway construction. The consumption in the three years ending 1893 slightly increased over that for the five years ending 1890.

In Quebec the average consumption was higher in the ten years preceding 1891 than in the three years subsequent to 1890. Convictions, however, increased, and they were lower on the average of the ten years prior to 1891 than in the three years subsequent to 1890, excepting in the case of offences against the liquor laws, which were lower in the later period.

In Ontario there was a reduction in the consumption of liquor and in convictions under each of the three heads of the return.

In Nova Scotia the consumption slightly decreased; but convictions under all the classifications of the return very materially increased.

The same remark applies to New Brunswick. It will be observed that the ratio of convictions for all offences in this province is larger than the ratio in any of the provinces east of Ontario. If the last period shown in the return is taken,—although the consumption is less per capita,—the convictions are higher than those in any of the provinces east of British Columbia, excepting only Ontario, where the

total convictions are largely affected by the convictions for breaches of the municipal laws, as may be seen from the following figures:—

| | All offences per 1,000 population. | |
|---|---|---|
| | New Brunswick. | Ontario. |
| For three years ending 1893... ..... ..... | 7.50 | 8.40 |
| Deduct municipal and minor offences..... ..... | 0.83 | 3.67 |
| | 6.66 | 4.73 |

The ratio of convictions for drunkenness in this province is larger than the ratio in any of the other provinces, with the single exception of British Columbia.

In Nova Scotia the ratios under all the heads of the return are low, being, for the ten years ended 1890, the lowest on the statement (the Territories being left out as incomplete), but it is a noticeable fact that they have all increased since that date.

In Prince Edward Island the average comsumption of liquor, as shewn on the return, is lower than in any of the other provinces, and it decreased in the three years ending 1890, as compared with the average of the ten years up to and including 1890. Charlottetown had unregulated free trade in liquor from the date of the repeal of the Scott Act in 1891, and up to July 1st, 1892, from which date it was under police regulation. The ratio of convictions increased 1891 and 1892* above the ratio of the ten years; but in 1893 it fell below that of the ten years and of the two years immediately preceding and the average of the three years was the lowest on the return.

An interesting table of the consumption of liquor by the people of the different nations is published by Mr. Michael Mulhall,a recognized authority, in his "Dictionary of Statistics." The following is a copy of it:—

| | Millions of Gallons. | | | | Gallons per Inhabitant. | | | |
|---|---|---|---|---|---|---|---|---|
| | Wines. | Beer and Cider. | Spirits. | All Reduced to Alcohol. | Wines. | Beer and Cider. | Spirits. | Equivalent in Alcohol. |
| United Kingdom..... | 14 | 1,020 | 34 | 71 | 0·4 | 27·0 | 0·9 | 1·9 |
| France..... | 750 | 410 | 40 | 131 | 19·0 | 11·0 | 1·9 | 3·5 |
| Germany..... | 120 | 880 | 60 | 86 | 2·5 | 18·0 | 1·3 | 2·2 |
| Russia..... | 40 | 80 | 91 | 52 | 0·5 | 0·9 | 1·0 | 0·6 |
| Austria..... | 200 | 250 | 30 | 45 | 5·2 | 6·5 | 1·6 | 1·6 |
| Italy..... | 480 | 30 | 13 | 56 | 16·5 | 1·0 | 0·4 | 1·9 |
| Spain..... | 260 | 5 | 5 | 29 | 15·0 | 0·3 | 0·3 | 1·7 |
| Portugal..... | 60 | 1 | 1 | 7 | 12·7 | 0·2 | 0·2 | 1·5 |
| Sweden..... | 2 | 30 | 20 | 11 | 0·4 | 6·2 | 4·2 | 2·3 |
| Norway..... | 1 | 10 | 7 | 4 | 0·4 | 5·0 | 3·5 | 2·0 |
| Denmark..... | 1 | 25 | 8 | 5 | 0·5 | 12·5 | 4·0 | 2·5 |
| Holland..... | 3 | 40 | 12 | 8 | 0·7 | 8·8 | 2·6 | 1·8 |
| Belgium..... | 4 | 170 | 10 | 14 | 0·7 | 28·5 | 1·6 | 2·0 |
| Switzerland..... | 30 | 10 | 5 | 6 | 10·0 | 3·3 | 1·7 | 2·0 |
| Roumania..... | 16 | 10 | 4 | 5 | 3·0 | 1·8 | 1·0 | 1·0 |
| Servia..... | 10 | 4 | 2 | 3 | 5·0 | 2·0 | 1·0 | 1·5 |
| Europe..... | 1,991 | 2,975 | 342 | 523 | 6·0 | 9·0 | 1·1 | 1·6 |
| United States..... | 21 | 630 | 76 | 73 | 0·4 | 10·5 | 1·3 | 1·2 |
| Canada..... | 3 | 40 | 5 | 5 | 0·6 | 8·0 | 1·0 | 1·0 |
| Australia..... | 2 | 40 | 3 | 4 | 0·6 | 12·0 | 1·0 | 1·2 |
| Total..... | 2,017 | 3,685 | 426 | 605 | 5·0 | 8·8 | 1·1 | 1·4 |

*The Scott Act was again brought into operation in the city of Charlottetown on the 28th July, 1894.

The dates to which these figures refer are not given, but the work was published in 1892.

The statistics which have been collected by the Commission, published with this report, and also those published by Mr. Mulhall just referred to, show that the people of Canada consume as, compared with those of other countries, a small amount of alcohol per capita; in short, they appear to consume a smaller quantity than any other community of whose consumption there are reliable statistics.

The arrests for offences of all kinds and for drunkeness, have been obtained from a number of places in the Eastern and Western States, and they will be found in appendices numbers 137 to 168.

The arrests in certain places in Maine are hereinafter referred to, but for the purpose of more easy comparison of arrests in Canada and the States a summary of the whole is given in appendix number 136.

Taking the Dominion as a whole, the statistics of convictions for offences show that in the years subsequent to 1890, the ratio of convictions to the population for all offences, for drunkenness, and for offences against the liquor laws, decreased, and this notwithstanding that there was an increase in the convictions for offences against municipal laws and minor offences.

There was a decrease in the number of commitments to jail for all offences, and, where it has been practicable to obtain the information with any degree of accuracy, as, for instance, in Ontario, the returns also show a large decrease in the commitments for drunkenness.

In the later years there has been a decrease in the consumption of liquor.

If the results, as shown in these returns, have not been as satisfactory in some of the other Provinces, as in Ontario, the Commissioners believe the fault does not rest so much with the laws as with the administration of them.

It is hardly practicable for your Commissioners to say to what cause or causes is to be attributed the more generally satisfactory state of affairs above indicated, but they are very clear that the control of the liquor traffic should always be removed from party political influence, Dominion, provincial or municipal, and should be committed to a Board of Commissioners entirely free from partizan influences either as to its mode of appointment or its composition.

## PROVINCES.

Such information in regard to the laws of the various provinces, and the results which have flowed from their enactment, as far as the Commissioners have been able to gather these results together, are given in the following pages.

### NOVA SCOTIA.

The Commission opened its sittings, for the purpose of taking evidence, at Halifax, on the 25th July, 1892. An analytical index of the evidence taken in that city, and other places in the Province of Nova Scotia, is included in volume one of the evidence.

A summary of the liquor laws of this province and the changes which have taken place in them since the year 1749 is given in appendix No. 59.

Such licenses as are granted in the province for the sale of liquors are issued by the municipal councils.

The law provides that the council in any municipality, city, or town where licenses are not issued, may appoint agents for the selling of liquors for medicinal purposes, etc. No such appointments are to be made in any polling district, or ward within which, or within reasonable distance from which, a drug store is situated. Properly qualified druggists may sell in quantities of not more than six ounces at one time to one person, and are not required to take out liquor licenses, (Act 1886, section 59; Act 1888, section 9).

The law prescribes the mode in which applications for licenses are to be made. The municipal council has, under the law, to appoint a license inspector, whose duty

it is to examine all applications for licenses and to report upon them. He is authorized to take evidence on oath, and no license is to be granted without a report from the Inspector being first obtained. But the council may, in its discretion, refuse to grant any license, notwithstanding that it may be favourably reported upon by the Inspector, (Section 25, sub section 2, Act 1886). Every license inspector has to be a member, in good standing, of some recognized temperance organization within the municipality, or, if there is none within the municipality, then of a recognized organization within the province. He holds his office at the pleasure of the council; but his appointment, and also his removal, are subject to the approval of the Governor in Council.

The councils have to meet on specified days in each year and decide upon all applications for licenses. In the municipalities where all licenses are refused, there can be no legal selling for beverage purposes. A succeeding council may, of course, reverse the decision of the preceding one, except where the refusal to grant a license is for cause, in which case no license can be issued to the applicant for two years thereafter.

The law provides (section 39, Act of 1886):—

"No hotel-keeper shall sell liquors in any bar in any hotel licensed under this "Act, or otherwise in section 5 provided, under a penalty of one hundred dollars, "and for a second, or any subsequent offence, he shall pay a penalty of one hundred "dollars, and be imprisoned two months in the county gaol."

Section 5 provides that the council may direct the issue of licenses; describes them as hotel licenses, shop licenses, and wholesale licenses.

"A hotel license shall authorize the licensee to sell and dispose of liquor, in "quantities not exceeding one quart, to bona-fide guests in his hotel, and during the "regular meals, to be drunk or used by such guests, at their meals at the table, and "not otherwise, and to bona-fide guests or lodgers in their rooms in such hotel, to be "drunk in such rooms, and not otherwise."

"A shop license shall authorize the licensee to sell and dispose of any liquors not to be drunk in or upon the premises for which the license is granted, provided that not less in quantity than one pint shall be sold or disposed of at any one time to any one person, nor more than two gallons.

"A wholesale license authorizes the licensee to sell and dispose of liquors in his warehouse, store, shop or place defined in the license, in quantities of not less than an octave in each cask or vessel, and in the case of bottled ale, porter, beer, wine or other fermented or spirituous liquors, in quantities of not less than one dozen reputed quart bottles, not to be consumed on the premises."

It will thus be seen that outside of an hotel there is no legalized sale for beverage purposes in Nova Scotia of a less quantity than one pint, and bars are prohibited.

Every hotel authorized to be licensed must contain, and, during the continuance of the license, continue to contain, in addition to what may be needed for the use of the family of the hotel-keeper, in cities and towns not less than six bed rooms, and in other places not less than three bedrooms, together with in every case, a suitable complement of bedding and furniture, and, except in cities and incorporated towns, must have attached to the hotel proper stabling for at least six horses, besides the proprietor's, and must be a well-appointed and sufficient eating-house, with the appliances requisite for daily serving meals to travellers. No license shop is to communicate by any entrance with any shop or store where any goods or merchandise are kept for sale.

The Canada Temperance Act is in force in twelve out of a total of eighteen counties in the province. It has only been repealed in one instance since being adopted, viz., in the County of Colchester. In that county it was adopted in 1881 by a majority of 1,234 of those voting (1,602), the number on the register at that time being 3,914. In the year 1889, it was repealed by a majority of 1,064 out of the total number of those voting (1,150), the electors on the register at that time being 5,010. The statement, Appendix 60, shows the counties in which it is

still in force, and the dates when it was adopted, and the map on page 155 shows the territory covered by the Act.

In the neighbourhood of the coal mines in Cape Breton, where the population is largely under the control of those working the mines, the Act, which is in force, appears to have been fairly well observed.

The evidence taken at North Sydney tended to show that the Scott Act was fairly well enforced in Cow Bay, but in North Sydney it was not observed, although many of those who gave evidence, while stating that the act had done nothing to suppress liquor in North Sydney, were in favor of a general prohibitory law. It was stated that the expense incurred in carrying on prosecutions, having for their object the punishment of offenders against the law, had led to their being discontinued, although it appeared that a considerable balance available for the carrying on of such prosecutions, remained in the hands of the municipal authorities.

The Rev. Isaac Murray, D.D., Presbyterian Minister, resident eight years at North Sydney and previously for thirty years in Prince Edward Island, stated that he was heart and soul in accord with the deliverance of his church on the subject of the liquor traffic; nothing short of prohibition, rigidly enforced by the proper authorities, should ever be accepted as final or satisfactory. He stated that the Scott Act was not enforced; that inasmuch as it allowed liquor to be landed in North Sydney, it was illogical to attempt to stop the sale of it. He said: "Last winter I saw four or five casks of liquor at the door of one house, invading our rights as passengers on the street. A prohibitory law would not allow that, and people reason that there is a lack of logic when the law alows liquor to come in, and yet does not allow it to be sold. Whenever a law becomes illogical, logical men will resist it." (Q. 4014.) And he added: "Mere legislation in itself or legislation in advance of the sentiment of the people, I can have no faith in; but the very community which demands the law we are seeking for must be looked upon as intelligent, and, in order that the law should be operative and effective, we must educate, and the law not only in its first enactment but in its execution must rest upon a strong moral sentiment favourable to the law." (Q. 4032.) Speaking with reference to the non-enforcement of the law in North Sydney, (Q.4046) and the action of the county councils in reference thereto, he stated that he could only conclude that the councils were not in sympathy with the Act; that they were not appointed for the specific purpose of giving enforcement to the Act, and that other subjects and other interests came in and led to the election to the Council of men who were not in sympathy with the Act. Further questioned on the subject, he said: "I think, undoubtedly, the cause is lack of interest in prohibition in this place, and that is why the act is not enforced." (Q. 4053). Asked if he considered the Scott Act as at present enforced a moral educator, or as tending to improve the morals of the community, he said: "No; I think a law passed and not enforced is educating in the wrong direction; it is teaching us to disrespect law." (Q. 4064).

Many witnesses were examined in Truro; population 5,102. The prohibitive provisions of the provincial law are in force here and no licenses are issued. The County of Colchester, in which Truro is, was under the Scott Act from 1881 to 1889. There is evidently quite a free sale of liquor in the town, and the law is not enforced. The Mayor stated that there was illicit sale to a large extent and by many persons. He spoke of the difficulty of enforcing the law, owing to legal questions being raised and appeals taken. Under the old law, that is the law in existence prior to the coming into force of the Scott Act, there were five or six hotels licensed, and, perhaps, some shops. He said he did not think there was more drunkenness in the town when it was under license than there was at the present time. (pp. 249, 251, vol. 1.)

It was given in evidence that there was a year or two before the coming into force of the Scott Act when no licenses were issued in the town. It was explained that the parties who had promoted the adoption of the Scott Act in Colchester County were those who petitioned for its repeal. The ground for their action was that when they proceeded under the Scott Act, they were met with doubts as to the

validity of the proclamation, and if they attempted to enforce the Provincial License Law they were met by the declaration that the Scott Act was in force. This state of matters led to the abandonment of the Act in the county.

A statement of the convictions for offences in the town was handed in by the town clerk, and it forms appendix No. 7, vol. 1, of the evidence.

Licenses appear to have been granted in the years 1875-6-7, and for the first part of 1877-8, but from that date no licenses were issued. A statement will be found in Appendix No. 7, vol. 1, of the amount received by the town for fines imposed in the police court, and of the expense of the police force of the town.

Some evidence was taken at Truro having reference to other places in the province.

A gentleman, formerly inspector of fisheries for Nova Scotia, and who occupied the position for twenty years, said that his business led him to travel over all the province, and that he had noticed a marked improvement in the customs of the people in regard to drinking. (Q. 5101–2).

A witness from Stellarton, Pictou Co., where the Canada Temperance Act is in force, stated that he thought the effect of the act latterly had been beneficial; that it was not well enforced all the time; but that it could be enforced with proper officers, if the councils of the municipalities would appoint them. (Q. 5319).

Evidence was given that the Scott Act was well enforced in Ferona, near New Glasgow; that it was not quite so well enforced in New Glasgow; and that there was a good deal of liquor sold there. At Ferona there are large iron works employing between 400 and 500 men. It was stated that it was mainly through the personal efforts of the Rev. H. R. Grant that saloons for selling in Ferona had been closed, and the terms of the Scott Act enforced. (Q. 5412-5462.)

Prior to the Commissioners visiting Yarmouth, it was mentioned to them as a place in which prohibition was efficiently enforced. It was stated that in Yarmouth, even before the Scott Act went into operation, there was no opportunity of getting liquor, except in the most indirect manner, although it was not claimed that the law had absolutely prohibited the sale. On arriving at Yarmouth the Commissioners found that long before the Scott Act was adopted, no licenses had been issued in that town.

Rev. William McIntosh, Congregational minister, stated that he thought the inhabitants of Yarmouth county, compared very favorably with any part of Ontario or Quebec, which he had visited, and he had visited nearly all parts of these provinces. He was an advocate of general prohibition. (Q. 6825–6830).

Mr. Nathan Hilton, Stipendiary Magistrate at Yarmouth (pp. 309-314) stated that there had never been a license issued in Yarmouth as far as he could recollect. He had been told that there were two or three, but his recollection extended to nearly seventy years. He had been on the Bench of Sessions for forty years, and in other ruling bodies in the county, and he had never known a license to be issued in Yarmouth. He was personally quite sure that no license had been issued for forty years. He remembered, when a boy, that many people got drunk, very respectable people. Almost all the people were drunk at times; but the temperance sentiment had been so pushed into the people and the children that the people now did not either drink or favor drinking, much less the illicit buying or selling of liquor. Drunkenness had never been prevalent in Yarmouth for the last forty years, except that now and then there had been a "kind of wave." Mr. Hilton is at present the stipendiary magistrate for the town, and also the municipality of Yarmouth, and his writs run over the whole county of Yarmouth as stipendiary magistrate for the municipality. With regard to the floating population, he stated that he had not many sailors before him, except for running away, and he experienced no special difficulty in dealing with them on account of drunkenness. He stated that people were frequently charged with the sale of intoxicating liquors, and that there were as many as twenty or thirty cases a year. In 1891 he had 154 cases in his court, and he divided them as follows:—Thirty for violation of the Canada Temperance Act, 52 for other offences, and cases occasioned by liquor, 26; or, in other words, about one-half of the whole number of cases arose directly or indirectly from the use of

liquor. He thought that the convictions for drunkenness which he had mentioned did not include more, perhaps, than 20 separate persons, as there were several "repeaters," and that there were, perhaps, 30 more cases which originated out of over-indulgence in drink. He intimated that he had been informed that the liquor sold was bad stuff, and that it generally cost about 75c. per gallon. He did not think over 25 per cent. of the population were in favor of rum selling. He stated that there were some "bottle peddlers." There was some illicit sale in hotels, and in a certain kind of boarding-house, and some of the vendors kept what were known as "holes." He did not believe that the druggists who had a right to sell under the Canada Temperance Act had gone beyond the limits of the law.

Mr. Hilton, when asked if he had reason to believe that perjury was committed in any of the cases relating to selling liquor illicitly, said that he did not wish to be cross-examined upon that subject, but he had no doubt of it; there would be no difficulty in stamping out the liquor trade in Yarmouth in a month but for that. When asked if he thought that there were more cases of perjury in connection with the liquor traffic cases than there were in other summary cases which came before him, said that he thought perjury more frequently occurred in liquor cases.

The population of the town of Yarmouth in 1881 was 3,485, and in 1890, 6,089. Taking the number of cases mentioned as coming before his court by the Stipendiary Magistrate as 154 in 1891, the ratio would be 25.27 per thousand of the population.

Heman Gardner, of Yarmouth, was clerk of licenses from 1873 to 1882. His duty was to prosecute offenders against the law. He said that there had been no licenses issued for fifty years, but continued: "I had a good deal to do. I cannot tell you the number of convictions. I suppose the record of the court would show. Many were fined and many went to jail. I shall be eighty-four years of age on the 23rd September, 1892. I had great difficulty in enforcing the law. My property was burned, my windows were broken, and I was personally assaulted on the street. The guilty parties were punished." (Q. 6284–6303).

A large number of members of the medical profession and several druggists were examined. They largely concurred in pronouncing the liquor sold in Yarmouth as being very vile stuff.

One gentleman, who had been in practice in Yarmouth for fifteen years, stated that he thought there was an honest attempt to enforce the Scott Act; but he did not think it was efficiently enforced, and it was almost impossible to enforce it. He thought that the temperance societies had done more to promote temperance than had been accomplished by legislation. He considered there was less drinking in Yarmouth when he first came to the town than there was now. There were times in the past when no liquor was to be had, but of late years there had been plenty. (Q. 6389–6408).

Another member of the medical profession who had been twenty-seven years in the town, said that he did not consider that drinking had increased in Yarmouth more rapidly than the population, and that the prohibitory laws had some effect in restraining it. (Q. 6435–6445).

The evidence of these gentlemen tended to show that there is a somewhat large use of drugs as stimulants in the town.

In Halifax county licenses are issued, and three appear to have been three taken out in 1892. There were in the same year 31 prosecutions for infringements of the law and 24 convictions. The clerk of the municipality remarks in regard to these prosecutions:—

"The result can scarcely be considered satisfactory. Each year (and 1892 is no exception) a large portion of the fines are not or cannot be collected. The county has to bear the expense of parties incarcerated in jail and the deficit on inspector's expenses. Parties refused licenses go on selling all the same, as the sale of liquors is connived at by friends and patrons of the seller, and even those who do not sign the certificates refrain from giving information such as will warrant the inspector instituting prosecutions. Various means are taken to evade the law and its penalties. Councillors complain that the license fees and fines, which formerly

went to improve the roads and bridges, go now to the Inspector and to pay costs of ineffective actions, &c."

In Richmond County in 1891 no licenses were issued, but in 1892 it would appear that the council reversed the policy of the previous year and issued three shop licenses,

In the Province there are five licensed brewries and one distillery.

In the city of Halifax the number of licenses issued in 1892 was 108, about equal to one license to every 361 of the population. The amount received by the city for license fees is between $10,500 and $11,500 per annum.

The evidence taken by the Commission tends to show that the law is not strictly observed by those licensed to sell in the city of Halifax, and, further, that there is a large illicit sale.

A table showing the arrests for offences of all kinds, and the arrest for drunkenness, etc., in the city of Halifax, will be found in appendix 18.

It will be found that the ratio of arrests compares favorably with such cities as Portland and Bangor, Me., and St. John, N. B. Many of the cities in the Dominion, however, show a lower ratio of arrests than Halifax.

The gentlemen occupying the position of License Inspector for the city when the Commissioners were in Halifax, was a total abstainer, and was then a member of two temperance organizations.

The Rev. John Lathern, D. D., of Halifax, editor of the *Wesleyan*, and an ex-president of the Methodist Conference, spoke strongly in favor of prohibition, and of the beneficial effects which had followed the adoption of the Scott Act in many districts in the Province. He put in, in his evidence, resolutions passed by the Methodist Conference, one of which was:—

"With respect to political action, we declare our unalterable resolve to accept no compromise with the drink evil. Unconditional surrender and complete extirpation is our demand. We regard with utter condemnation the acceptance of monetary consideration, whether as license fees or federal revenue, as any sufficient justification for the perpetuation of this trade in drink in any of its forms." (Q. 1–8.)

He stated, with reference to prohibition, that, possibly, if a general law were not enacted at once, there might be one made permissive to provinces at least, and such a law might pass the Dominion Parliament, allowing any province, upon a majority vote to adopt it. Asked if such a law could be efficiently enforced in the city of Halifax in the present state of public opinion, he stated that his opinion was that there would always be difficulty in the enforcement of any such law in the city but outside the city the permissive clauses of the law at present in operation had resulted in there being large sections of the province where there are no licenses, and where no licenses have been granted for years; and, further, that he had no doubt, in regard to the Province of Nova Scotia, that, outside the city of Halifax, a prohibitory law could be efficiently carried out. (Q. 16–30).

Rt. Rev. Frederick Courtney, D. D., Lord Bishop of Nova Scotia, who also gave evidence before the Commission, stated that he considered the people of the province and of Prince Edward Island of temperate habits; that he did not consider legalized prohibition would be an efficient remedy for intemperance; that the conscience of the people was not in a condition to enforce the law—it would enforce it in individual cases, but it would not enforce it practically and as prohibitionists wished to see it enforced, and that he did not consider a Dominion law prohibiting the manufacture, importation and sale of intoxicants as a beverage, desirable, Speaking of the Scott Act, his Lordship said: "With respect to the liquor traffic itself, and the possibility of a prohibitory law, it is notorious from what I have been told, even much more than what I have observed, because I have had opportunities of observing the operation of the Scott Act in many places, that it is, I will not say a dead letter, I will not say a failure, but it is not observed, and that breaches of it are shown in all sorts of directions, and that places which are supposed to be under the Scott Act, are places where, as a previovs witness stated, people can get liquor." (Q. 1842.)

His Lordship further proceeds to say:—"Perhaps I may be allowed to say in regard to prohibition, this, and to answer your question in the shortest way possible by merely a monosyllable. I do not conceive it to be in the interests of the people that any law (I am now talking of the liquor traffic) should be on the Statute book which the conscience of the community will not endorse. It weakens the majesty of the law in the estimation of the whole population, and it is most desirable, perhaps I may say especially so in the present case, that the majesty of the law should in no sense be weakened, and in no particular be weakened in the minds of the people." (Q. 1842.)

His Lordship further said that prohibition prohibited a great many people who otherwise would engage in the traffic, either by way of selling or buying, but that it had not succeeded in shutting liquor out from all the towns of Maine, and that people who went there and wanted drink could get it; that they could get it in all sorts of ways. Efforts had been made to solve the question in the United States, where he had resided twelve years. In all the three places in which he had resided when there, namely New York, Chicago and Boston; Chicago was the first to lead the way, and the people there tried high license, the idea being that by exacting such a high license as $1,000, the sum mentioned, and for beer licenses alone, $500, the sale would be restricted to the hands of proper people, and they of reputable character. But the law had not stopped illicit selling, and in that respect it resembled in its practical working the prohibitory law, but it had reduced selling tremendously. (Q. 1842.)

In Boston he had been a member of the Citizens' Law and Order League, organized for the purpose of securing the enforcement of the law. The programme of the league was not to get the law altered, but to get the provisions of it enforced. The League had done good service in securing a reduction in the number of licensed places.

His Lordship explained the basis of the Church Temperance Society in the States, which is similar to that of the Church of England Temperance Society. There are three pledges, the first for abstinence, the second a pledge for abstinence from certain kinds of liquor, and the third a pledge of moderation in the use, or in other words, restraint in the use. (Q. 1845.)

The Rev. D. Stiles Fraser, of Stewiacke, Colchester, Co., Convener of the Temperance Committe of the General Assembly of the Presbyterian Church in Canada, explained the attitude of the Presbyterian Church on the subject of prohibition as being in favor of the entire prohibition of the liquor traffic. He handed in certain deliverances of the Assembly of the Church, which will be found in Appendix No. 5, Vol. I. Mr. Fraser stated that there was a minority in the Assembly, who did not agree with the views expressed by the resolutions. He held that the selling of liquor was a sin and he put the selling of intoxicating liquor and theft on the same footing, although admitting that the community generally did not look upon the two things in the same light. (Q. 4971.)

Rev. E. M. Saunders, of the Baptist Church, of Halifax, also gave evidence before the Commission. He expressed himself in favour of prohibition. When questioned as to the possibility of efficiently enforcing a prohibitory law in the city of Halifax, he admitted that he had doubts as regarded that city. With reference to the enforcement of a general prohibitory law, he stated: "I think, after all my enquiries, from the way in which the Roman Catholic priests in different parts of the country, and the clergymen of other denominations are acting, and from the fact that the public sentiment is encouragingly favourable to prohibition, that if there were a good prohibitory law for the Dominion of Canada, and if there were carefulness and wisdom observed in regard to the provisions of the law and in regard to appointing officers to carry it out, as a rule in these provinces (meaning the Maritime provinces), and I cannot speak beyond them, the law would be enforced with a high degree of efficiency." (Q. 616.)

Pressed to say if he thought, in the present state of public opinion, a prohibitory law would be efficiently enforced, he stated that, "if a law were passed by the Dominion Parlament simply to get rid of an ugly question that was pressing upon

them, that of prohibition, and there was not any special interest taken in the details of the law, and of the officers appointed to carry out the law, then I am ready to believe that the law could not be enforced very generally. However, if the very best safeguards and protective provisions were put around it, it would be generally enforced in these Lower Provinces. There might be times in Halifax, and perhaps in St. John, when it would be difficult to enforce it, and when there would be obstacles in the way, and indeed, it would be some years before the public sentiment would be strong enough to enforce it there, but I am speaking generally of the lower provinces." (Q. 617–618.)

The Provincial Government has not collected any fees for licenses since the year 1884, when $1,900 was collected under the Dominion Liquor License Act of 1883. Such licenses as are now in force are issued by the municipal councils, who collect the fees, which are: for a hotel, $150; for a shop, $100; for a wholesale license, $300; for a brewer, selling wholesale, $150.

There appear to be very few licenses issued outside the city of Halifax.

The Commissioners have endeavoured to get an accurate statement of all the licenses issued within the province, and the amount collected for fees, but they have not found it practicable to do so. Such information as has been collected is given at page 171.

The law provides that:—

The municipal council shall report annually to the provincial secretary, and its report shall contain:—

"(*a.*) A statement of the number and description of licenses and of the names of applicants to whom licenses were granted during the year.

"(*b.*) The names of those to whom licenses were not granted.

"(*c.*) Any other statement required to be entered in the register of licenses.

"(*d.*) The prosecutions for infractions of this Act, and the results of the same.

"(*e.*) General remarks as to the working of the law within the district.

"(*f.*) It shall also report as to the moneys received and expended during the year.

Such returns have not been made, and apparently have not been asked for by the government. In a letter addressed to the prime minister of the province (April, 1892), the request was made on behalf of the Commission, to be supplied with statements of the amounts received annually by the government and the municipalities, separately, from the granting of licenses for the sale of liquor. The deputy provincial secretary, replying, wrote:—

"I am directed to say that no money has been received by the government of Nova Scotia for liquor licenses, excepting in the year 1884. In that year the following sums were received from the treasurers of the undermentioned places as provincial revenue from licenses issued under the Dominion Liquor Licenses Act:—

| | |
|---|---|
| The County of Halifax | $ 350 00 |
| The City of Halifax | 1,350 00 |
| The Town of Dartmouth | 200 00 |
| Total | 1,900 00 |

"The most of the counties in Nova Scotia are under the Scott Act. In the city of Halifax, and in several of the counties, licenses are issued under the Nova Scotia Liquor License Act. As the operation of this Act is a municipal matter, this department is not in a position to afford the information desired by your letter.

The Nova Scotia Liquor License Act was passed in 1886; but I regret that I am unable to send you a copy, as I find, upon enquiry of the Queen's Printer, that the Acts of that session are out of print."

On applying to the municipal councils for information in regard to the traffic, in many instances the Commissioners have not received any replies to their communications, and in others they have been informed that the accounts from which the information could be compiled are not available. The following statement,

made up from the returns received, contain all the information on this branch of their enquiry which the commissioners can give:—

## NOVA SCOTIA.

Partial statement of amounts received by municipalities for licenses for the sale of liquor, the number of such licenses issued, and the amount received for fines for infractions of the liquor laws, in the undermentioned periods.

| Year. | No. of all licenses. | Amount Fees. | Amount Fines. | Remarks. |
|---|---|---|---|---|
| | | $ cts. | $ cts. | |
| 1880 | 9 | 1,197.00 | 490.50 | Halifax city not included. |
| 1881 | 14 | 981.00 | 229.00 | " " |
| 1882 | 14 | 1,058.25 | 140.00 | " " |
| 1883 | 12 | 847.00 | 275.00 | " " |
| 1884 | 12 | 776.63 | 228.00 | " " |
| 1885 | 10 | 893.44 | 136.00 | " " |
| 1886 | 7 | 765.75 | 214.00 | " " |
| 1887 | 78 | 8,716.50 | 2,415.85 | Including Halifax city. |
| 1888 | 93 | 9,100.00 | 3,073.45 | " " |
| 1889 | 112 | 11,620.50 | 4,023.50 | " " |
| 1890 | 110 | 11,580.00 | 6,993.57 | " " |
| 1891 | 108 | 11,230.20 | 6,429.00 | " " |

The amounts collected for fines in the counties from which returns have been got would indicate that there are many breaches of the laws.

The Scott Act has never been submitted to a vote in the city of Halifax. Much conflicting evidence as to the prevailing sentiment in the city was given before the commission. It was claimed by the advocates of prohibition that the sentiment in the city was in favour of prohibiting the traffic, but there does not appear to have been at any time on the part of the City Council which is the licensing body, a disposition to avail itself of the powers to refuse licenses conferred by sub-section 2, of section 25. of the Act of 1886, which is as follows:—

"If the said pre-requisites have been complied with (but not otherwise) the Council *may, in its discretion,* entertain the application." (*i. e.*, an application for a license).

And it is further difficult to understand, if such is the prevailing sentiment, how the applicants for licenses succeed in meeting the requirements of the law, the tenth section of which provides,—

"The petition (for a license) must be accompanied by a certificate signed by two-thirds of the rate-payers of the polling district in which the premises sought to be licensed are situated. Such polling district shall be established by law for the purposes of an election for the House of Assembly, or if none such be established, then the polling district used for the last election to the House of Assembly."

The statistics of the consumption of liquors in the province for the ten years ended 1880 and 1890, respectively, were, per capita, as follows:—

| | Galls. |
|---|---|
| 1880—Spirits | 0·683 |
| Wine | 0·083 |
| Beer, &c | 0·940 |
| 1890—Spirits | 0·528 |
| Wine | 0·054 |
| Beer, &c | 0·926 |

These figures indicate a consumption much below the average of the whole Dominion, and below that of any of the other provinces with the exception of Prince Edward Island. Reduced to alcohol, on the basis of 50 per cent of alcohol in spirits, 6 per cent in beer, and 20 per cent in wine, the consumption in the two periods would be,—

| | | |
|---|---|---|
| Ten years ended 1880 | 0·414 | gallons per capita. |
| " " 1890 | 0·330 | " " |
| It was in 1891 | 0·318 | " " |
| 1892 | 0·311 | " " |
| 1893 | 0·286 | " " |

Turning to the criminal statistics, page , it will be found that the ratio of convictions per thousand was as follows :—

| — | All offences | Breaches of municipal laws. | Drunkenness. | Offences against liquor laws. |
|---|---|---|---|---|
| Five years ended 1885 | 3·36 | 0·79 | 1·47 | 0·10 |
| Five years ended 1890 | 3·06 | 0·69 | 1·30 | 0·19 |
| Three years ended 1893 | 3·73 | 0·86 | 1·66 | 0·29 |

It will be noticed that the ratio of convictions increased in this province in the period between 1890 and 1893, the highest figures in the whole period covered by the returns, being those for the year 1893. In that year the ratio for drunkenness was 2·07.

A strong temperance sentiment has prevailed in Nova Scotia for many years past, and the efforts of the temperance organizations have been continuous and vigorous, A statement of what these efforts have been will be found in Appendix No. 61. Practically the people of Nova Scotia have under the Provincial License Law, the control of the traffic in their own hands. The council of any municipal district may, by simply refusing to grant licenses, prevent any legal sale of liquors for beverage purposes within the boundaries of the municipality.

The Commissioners were desirous of obtaining full information in regard to the cost to the Province of maintaining the poor, their numbers, the number of prisoners in jails, insane in asylums, etc., and the cost of these classes to the province and municipalities. The numbers of the insane and the amount paid for transient poor were supplied, but the cost only in part. The Deputy Provincial Secretary writing to the Chairman of the Commission, July 6th, 1892, said :—

" I am directed to acknowledge receipt of your letter of the 1st. instant, and to inform you that no letter of the date 27th. April has been received at this Department from you. The blank form you enclosed in your last was handed to the Commissioner of Public Works and Mines, who has filled in as much of the information desired by you as he could obtain. This Department has no statistics from which can be supplied replies to any of the other questions."

The following statement contains the information supplied:—

PARTIAL STATEMENT of the cost to the Province of Nova Scotia of maintaining the transient Poor and Asylums for Lunatics, for the years 1876 to 1892, (inclusive).

| | Number of Lunatics. | Number of Poor receiving relief. | Cost of maintaining Lunatics. | Amount paid on account of transient Poor. |
|---|---|---|---|---|
| | | | $ cts. | $ cts. |
| 1876 | 337 | Number varies from 250 to 300 in different years. | 55,766 00 | * |
| 1877 | 351 | | 54,182 00 | * |
| 1878 | 362 | | 55,163 00 | 2,234 09 |
| 1879 | 364 | | 56,000 00 | 1,425 37 |
| 1880 | 361 | | 57,900 00 | 1,629 89 |
| 1881 | 382 | | 69,204 00 | 1,334 55 |
| 1882 | 399 | | 63,554 00 | 1,357 73 |
| 1883 | 400 | | 69,400 00 | 1,324 46 |
| 1884 | 384 | | 71,641 00 | 1,491 53 |
| 1885 | 419 | | 71,821 00 | 994 12 |
| 1886 | 396 | | 73,400 00 | 1,372 73 |
| 1887 | 407 | | 69,700 00 | 515 78 |
| 1888 | 305 | | 69,000 00 | 1,524 42 |
| 1889 | 372 | | 66,800 00 | 7,666 11 |
| 1890 | 348 | | 72,411 00 | 1,989 43 |
| 1891 | 354 | | 66,812 00 | 4,275 02 |

* Record not kept previous to 1878.

Such information as has been obtained in reference to prisoners in the common jails of Nova Scotia, will be found in Appendix No. 1. The returns are not complete, as some counties have not made returns at all, whilst others have made them for only a portion of the period embraced in the statement.

A statement of the insane in the Provincial Asylum is given in Appendix No. 9. It may be mentioned that part of the harmless insane are maintained in the almshouses of the province. The number of inmates in the Provincial Asylum fluctuates considerably. The municipal authorities, when they consider that the charges for the maintenace of the insane in the Provincial Asylum are too high, resort to placing as many of them as they practically can, in the almshouses, where it is, in some cases at least, asserted they are maintained at a lower rate.

Mr. Alexander P. Reid, M.D., who has been in charge of the asylum for the insane in Nova Scotia for many years past, gave evidence in reference to the number of the insane whose condition could be traced to intemperance. He expressed the opinion that the statistics generally published on the subject were quite unreliable, and stated that he had personally attempted to classify the insane, but very ineffectively, and that he could not classify more than 10 per cent of the patients. He said: "We assume that the statements we receive are correct. I am morally certain they are incorrect. 'Drunkenness' is the most unreliable form of classification we have. Very often we find a man's drinking is the result of insanity, and not the cause, and that a very great number of those who come to us, and are presumed to be temperate, are men who drink all the time, but their names never appear in such a list; never appear even indirectly in our papers. The only way we know is from previous personal knowledge of the man's habits. For that reason our statistics are absolutely unreliable and I would not believe any conclusions drawn from them, from the fact that frequently, when the cause is given as drunkenness, that drunkenness is the result of insanity, and those who become insane as the result of drinking are never mentioned." (Q. 1883.) "As an exciting cause of insanity, I think religion is a long way ahead of any other." (Q. 1891).

Dr. Reid stated that his experience in the General Hospital at Halifax was that a very large number of the cases which came there resulted from drink. He said:—"When I figure up the results of sickness I come to the conclusion, I may be wrong, but I really think not, that if there were any means, by any possibility, of excluding the effects of alcohol on humanity, the hospitals would have to be closed, for no one would have to go there, because those who go there now would be able to pay there way, for accidents and a large proportion of the disease result from the use of liquor. As superintendent of the asylum I was very much astonished to find that liquor had a much smaller influence on insanity than on almost any other social question that I am acquainted with." (Q. 1906).

"Take the children of drunkards,—I will not say drunkards exactly,—but take the children of those who have destroyed themselves through the influence of liquor, and it interferes with the nervous condition of the children. I think we have quite an amount of predisposition to nervous affections as the result of strong drink."

## NEW BRUNSWICK.

A summary of the law relating to the liquor traffic in New Brunswick and the changes which have been made from time to time therein will be found in appendix No. 62.

The province collects no fees for licenses, excepting those for vendors for medicinal purposes. The municipalities determine the amount of the fees within the limits laid down by the legislature, collect whatever fees are imposed, and they have to provide for inspection and see that the provincial law is observed.

The fees in New Brunswick are:—

In incorporated cities and towns.—For taverns, not less than $50, or more than $200; for wholesale places, not less than $100, or more than $400.

In other districts.—For taverns, not less than $25, or more than $200; for wholesale places, not less than $50, or more than $200.

No shop licenses are issued. For a transfer of a license a fee of $10 is exacted. An inspector is appointed by each municipal district who has to report on all applications for licenses, hear in open court objections made to the granting of any license and make a full report, accompanied by evidence, to the council.

The process by which licenses are obtained is by petition to the council of the district in which the license is to have effect. The petition must be endorsed by one-third of the ratepayers in the polling subdivision in which the premises sought to be licensed are situated, which polling subdivision shall be that established by law for the election of members of the House of Commons.

Tavern-keepers have to provide certain accommodation, but may be given exemption, under certain conditions, by the municipal council. They are prohibited from selling to minors or interdicted persons, and are liable to damages resulting from the sale to intoxicated persons, or to an extent to cause intoxication.

In cities and incorporated towns the number of licenses issued is not to exceed one for each two hundred and fifty of the first one thousand of population in any ward of such city or incorporated town, and one for each full five hundred over one thousand of population. The number of tavern licenses to be granted in the parishes shall not in any year be in excess of one for each four hundred, up to twelve hundred of population, and one for each full thousand above twelve hundred. One tavern license may be granted in any parish, notwithstanding the population of each parish shall not amount to four hundred.

The council of any municipality may, by by-law to be passed before the first day of February in any year, ordain that no tavern licenses shall be issued therein for the then ensuing year, or for any further license year until such by-law is altered or repealed. (50 Vic. cap. 4, sec. 39.)

Objections to granting any license may be made by a resident or residents in the district where the place proposed to be licensed is situated. Proceeding is by petition to the council, who instruct the Chief Inspector of Licenses to investigate

and report. Every such investigation is to be open to the public, and the evidence taken by the Chief Inspector, which may be under oath, is, with his report to be submitted to the council, "who shall, nevertheless, exercise their discretion on each application for a license."

No licenses shall be granted if the majority of the ratepayers in any city or incorporated town or parish, petition against it. (Sec. 31.)

Out of fifteen counties in this province, nine have adopted the Canada Temperance Act (Dominion). One city has also adopted the Act.

The ratio of convictions, and also the ratio of the consumption of liquors are both high. The convictions were as follows:—

| | Per 1,000 of population. | | | |
|---|---|---|---|---|
| | All Offences. | Breaches of Municipal Laws. | Drunkenness. | Offences Against Liquor Laws. |
| 5 years ended 1885 | 6·97 | 1·16 | 4·18 | 0·33 |
| 5 " " 1890 | 6·81 | 0·85 | 3·97 | 0·67 |
| 3 " " 1893 | 7·50 | 0·84 | 4·44 | 0·99 |

The highest ratio of convictions for all offences was reached in the year 1890; the lowest in 1887. From 1890 there has been a slight decrease, the ratio for 1893 being 7·54, a figure only exceeded by the ratio in Ontario and British Columbia. The highest ratio of convictions for drunkenness in this province was reached in the year 1891; the lowest was that of 1887, when the figure was 3·14 per thousand. In 1893 it was 4·24 per thousand, a figure which was only exceeded by the ratio in British Columbia. The ratio of offences against the liquor laws in the province are also very high; that for 1893 being 1·38 per thousand of the population, which was again only exceeded by the ratio of British Columbia.

The section of the province in which the Canada Temperance Act is in force is indicated on the map, page 155.

Turning to the returns of arrests by the police, it will be observed that the ratios in St. John and Fredericton are comparatively high. In Fredericton the Canada Temperance Act is in force. It was adopted in the year 1878 by a majority of 200 of those voting. It was re-submitted in 1882, and confirmed by a majority of 41; again submitted in 1885, and re-affirmed by a majority of 13; again submitted in 1889, and re-affirmed by a majority of 68.

The Canada Temperanue Act was adopted in Portland in the year 1886, and repealed in 1890. Portland was incorporated with St. John in the year 1889, and it now forms a part of that city.

The Act was voted upon in St. John City in the years 1882 and 1886, and on both occasions it was defeated. The city is now under license.

The average ratio of the consumption of liquors in the province was as follows:—

| | Gross galls. | Galls. Alcohol. | |
|---|---|---|---|
| 5 years ended 1885..... | 1·567 | ·475 | per head of population. |
| 5 " 1890..... | 1·712 | ·390 | " " |
| 3 " 1893..... | 1·694 | ·362 | " " |

The following is a partial statement of the number of licenses issued and the amounts collected for fees and for fines respectively:—

| Year. | Number of Licenses. | Amount from Fees. | Amount from Fines. | Total. |
|---|---|---|---|---|
| | | $ cts. | $ cts. | $ cts. |
| 1880 | 219 | 10,960 00 | 17 75 | 10,977 75 |
| 1881 | 225 | 11,120 00 | 110 00 | 11,230 00 |
| 1882 | 205 | 9,820 00 | 15 00 | 9,835 00 |
| 1883 | 210 | 9,995 00 | ..... | 9,995 00 |
| 1884 | 149 | 10,308 00 | 35 00 | 10,343 00 |
| 1885 | 110 | 10,084 00 | 16 66 | 10,100 66 |
| 1886 | 138 | 11,733 00 | 300 00 | 12,033 00 |
| 1887 | 142 | 11,802 00 | 435 00 | 12,237 00 |
| 1888 | 117 | 13,305 00 | 360 40 | 13,665 40 |
| 1889 | 117 | 13,659 00 | 280 00 | 13,939 00 |
| 1890 | 164 | 21,210 00 | 400 00 | 21,610 00 |
| 1891 | 172 | 21,805 00 | 175 00 | 21,980 00 |

NOTE.—(1.) Returns have not been received from all the municipalities. Westmoreland County makes no return for fees, but received between 1888 and 1892 $2,240 for fines for breaches of the Canada Temperance Act, not included above, as the amounts received annually are not given.

(2.) Two counties return amounts received for fees without giving the number of licenses issued, in which case the number has been estimated.

(3.) The city of Portland was annexed to St. John in 1889, and the Scott Act, which had been in force in Portland, was repealed.

(4.) The Provincial Government received for licenses under the Canada Temperance Act in 1887 $45, 1888 $40, $1889 $10 and 1890 $75. The fee is $10.

(5.) The number of licenses issued in St. John in 1883 was 173, in 1891 103 (including Portland). The total number of licenses issued in the province is probably from one hundred and seventy five (175) to one hundred and eighty (180) annually. In 1892 St. John City issued 104 licenses and collected $20,495, and in 1893 103 licenses and collected $21,310.

The law of 1887, (50 Vic., 1887, cap. 4). provides that:

"The council shall report on or about the first of January in each year, or such other time as the Governor in Council may prescribe, annually, to the Provincial Secretary, and its report shall contain:—

"(*a*) A statement of the number and description of licenses, and the number of applicants to whom licenses were granted during the year.

"(*b*) The names of those to whom licenses were not granted.

"(*c*) Any other statement required to be entered in the register.

"(*d*) Prosecutions for infractions of this Act, and the result of the same.

"(*e*) Any remarks as to the working of the law within the district.

"(*f*) They shall also report in detail as to the moneys received and expended during the year.

"(*g*) Also, any other matters asked for by the Provincial Secretary."

In response to applications for information, letters were received from the Hon. Mr. Blair the Prime Minister, and from the Hon. Provincial Secretary.

Mr. Blair, writing on the 15th August, 1882, stated:—

"A communication dated the 2nd July, was received from you in connection with the Royal Commission on Liquor Traffic, and enquiring as respects the returns from municipalities. Being absent from home at the time, not returning until last week, your letter has just passed under my observation, and in reply I hasten to say that there have never been any returns made by municipalities in this province of their receipts and expenditures in connection with the liquor traffic, although I believe information on the subject will be readily available on application to the Secretary-Treasurers of the different councils."

The Hon. Provincial Secretary, writting on the 22nd April, 1892, said:—

"I have to reply that the Government of New Brunswick has not received any revenue from the granting of licenses since 1867.

Licenses are granted by the municipalities, and they have the whole revenue therefrom. We have no data from which to give you information as to the amount. This would have to be obtained from the treasurers of municipalities, and I enclose a list of their names and P.O. addresses.

"I have directed that copies of the Liquor License Act of New Brunswick be sent to you under separate cover."

The Province of New Brunswick has had an experience in the matter of the prohibition of the liquor traffic which is exceptional. In the year 1855 an Act was passed by the Legislature of the Province to prevent the importation, manufacture, and traffic in intoxicating liquors (18 Vic., cap. 36). A short synopsis of the Act will be found in Appendix, No. 62. It went into operation on the 1st of January, 1856, and in July of the same year was repealed.

A statement by the Hon. Sir Leonard Tilley, who, at the time this prohibitory Act was passed was the Provincial Secretary of New Brunswick, and Clerk of the Crown, will be found at page 554 of vol. 1 of the evidence taken by the Commission. The matter is also referred to in the evidence given by the Hon. Mr. Anglin, which will be found at page 914 of vol. 4.

The putting into operation of the prohibition Act brought about a political crisis in the province, and led to a change in the administration. Only two of the members of the Assembly who had voted for the passage of the Act were returned after the general election which followed the resignation of the provincial ministry. The vote in the Assembly for its repeal was 38 yeas to 2 nays.

Sir Leonard Tilley stated that the prohibition bill was passed by three-fifths of the members in both branches of the Legislature,and that the majority of the Upper House, which was not expected, was a little larger than it was in the Lower House; that the question was discussed at the general election of 1854, but was not, perhaps, a leading question at that election; that there was a party question more prominent, but still prohibition was a prominent question in several constituencies, and many men were elected to the Assembly in that year to sustain prohibition; that the law was practically in force only four months, because, after the Lieutenant-Governor had accepted the resignation of the Ministry, and it was understood that an appeal was to be made to the people, everything was chaos, and no effort was made to enforce the law.

Sir Leonard added: "I have since then counselled our friends, in moving in the direction of prohibition of legislation for the suppression of the traffic, to be quite sure that the public sentiment was strong enough to enforce the law if enacted."

And, further, in reply to a question as to the effect of what had taken place on the temperance movement, Sir Leonard said, "it was not beneficial at that time, because a great number of people got discouraged and disheartened. It put back prohibition sentiment somewhat, but it did not, after a year or two discourage the temperance people in the advocacy of the cause of temperance. It was rather a shock, a disappointment at the time."

On the question of the advisability of enacting a general prohibitory measure for Canada, Sir Leonard expressed himself as folllows:—

"My opinion as to the advantage of prohibition has never changed, except to become stronger, if it can be enforced. The strength of a chain is established by the weakest link, and we have two weak links in the Dominion of Canada. One of them is the Province of Quebec; the other is at the further extremity, British Columbia. In these the sentiment is not as strong as in the other provinces. In the Province of Quebec there is a growing temperance sentiment, which I think will come to be a prohibition sentiment. The prohibition sentiment requires to be cultivated in the Province of Quebec, and we want the generation now growing up educated as to the evils of alcohol on the human system. With these and other influences, the time will come—it may not be during my time—when the public sentiment will be such that prohibition may not only be enacted but enforced, and from my experience in the past I would say: "Don't be in a hurry—that is, have ammunition, your guns and everything ready for the engagement when it comes, and

don't run the risk of a defeat by premature action; but when you have enacted the law, make it a success by its enforcement.' That is the advice I give our people. I do not think the whole Dominion is quite ripe at this time for prohibition legislation. I may be in error and may not have gauged public sentiment correctly. * * * * Of late years I have not been brought so closely in contact with the public sentiment on this question as formerly; but I think that if you were to take the Provinces of New Brunswick and Nova Scotia, the overwhelming majority in these two provinces are in favour of prohibition, and I think it might be enforced in them. I am not so sanguine in regard to the other provinces and the sentiment there, but to have it a success, it would not do to have any one province allowing the liquor to come in and the law to be violated. It would lead to reaction and repeal. But the temperance sentiment in the Province of Quebec has increased, and is growing in a manner that has astonished me. The way in which the clergy have taken hold of the matter is remarkable of late years. They have not espoused prohibition yet, but they are laboring to curtail and limit the sale in every way."

An index and summary of the evidence taken in the Province of New Brunswick will be found in vol. 1 of the evidence.

The great bulk of the evidence taken goes to show that the Scott Act, although in force over a large portion of the province, is in reality not enforced in most of the counties, and that in almost every part of the province a plentiful supply of liquor is to be had by those who desire to get it. Very many of the witnesses expressed the opinion that the act ought to be enforced by Dominion officials. Some thought it had not been enforced because of a want of sympathy with its conditions by the population; others, a more numerous class, expressed the opinion that it had not been enforced owing to the expense of carrying on prosecutions and unwillingness on the part of the authorities to incur that expense. The opinion was expressed very generally that if a prohibitory law should be enacted, the Dominion government ought to undertake the enforcement of its provisions.

The evidence generally went to show that the license law was well enforced in the city of St John.

A witness who had travelled over the province as an officer of the Good Templars organization, and who was at the time of giving his evidence, City Marshal of St. John, stated with reference to the action of the "temperance people," that "When the Scott act came into force, and when they had the law in their own hands they did not go to work as they might have done as temperance men. They did not show their colors as plainly as they ought to have done * * * * If the Scott Act had been left alone when the bar rooms were closed in Portland, and if the temperance people had gone to the front as they should have done, and enforced the law, I say it would be enforced to-day, and that part of the city (the north end) whould not have a rum shop in it." This opinion may or may not be well founded, but it tends to confirm the opinions expressed elsewhere, that prohibitory enactments have a tendency to relax the efforts of the temperance organizations to secure voluntary total abstinence.

The sheriff for the county and city of St. John stated that of 1,000 persons committed to prison in 1891, he thought 90 per cent were so committed for drunkenness or cases arising out of drunkenness. (Q. 6908, vol. 1.)

The same gentleman said he did not think there was so much interest taken in the Scott Act elections as in political elections, and the reason he gave for so small a vote being cast, was that "very few people cared to say they would vote against a prohibitory law, but they would let it go. They would say, we are doubtful as to the benefit and as to the success of it, but we will not array ourselves as opponents to it." (Q. 6936, vol. 1.)

It was stated that in Moncton, population 9,138, where the Scott Act was in force, that there were as many as fifteen places where liquor was being sold, and it was notorious that there was no difficulty at all in purchasing liquor in the town. The opinion was expressed, however, that there was less drinking at the present time in Moncton, in proportion to the population, than there was when the traffic in the town was regulated under a license system.

A gentleman strongly in favor of prohibition, who had lived in Moncton when the license system prevailed, said: "I am satisfied that the liquor sold to-day cannot compare at all with the liquor sold forty years ago. The liquor then was comparatively pure, but now, and it is from my own knowledge I speak, coloring matter and various materials are put into liquor to raise a bead and give it colour. I have seen men paralyzed, not by an overdose, but by the extreme strength of the compound. If the government does not take action to grant prohibition, it is its duty to see that we have as pure liquors as can be obtained."

In Moncton the Collector of Customs stated that for the year ended 1st July, 1892, 2,624 gallons of spirituous liquors had been imported, and that it was principally Scotch whiskey. There was some brandy in casks.

It will be noticed that the City Marshal stated that in 1887, $950, in 1888, $1,050, in 1889, $2,000, in 1890, $1,800, in 1891, $1,650, and up to August, 1892, $1,900, had been imposed for fines for breaches of the Canada Temperance Act.

As evidence of how openly the liquor traffic is conducted in the city of Moncton, it may be mentioned that the city marshal stated that, acting under the instructions of the Mayor, in regard to the 12th of July, he had issued a notice requesting illicit sellers in the town to close their bars on that date.

The following is a copy of the notice, which appeared in the Moncton "Times" on July 11, 1892.

"CAUTION."

"All proprietors of bar rooms are notified to close their respective places of business on Tuesday, July 12.

"CHARLES FOSTER,"
"Police Marshal."

He stated that he knew there were bar rooms because fines were received from them. He could not say whether the suggestion had originated with the Mayor or himself, but it had been concurred in by the Mayor.

The same gentleman stated that the fines collected amounted to about $1,012, per year. He gave the following statement of the number of arrests made in the city:—

| | | | |
|---|---|---|---|
| 1885 | 335 | 1889 | 309 |
| 1886 | 311 | 1890 | 278 |
| 1887 | 205 | 1891 | 263 |
| 1888 | 206 | 1892 to July | 123 |

He said; "Taking the average of arrests from 1885 to 1891, I think that two thirds of them were for drunkenness. This year we have not had as many drunken men in the streets as in previous years. I do not think there is as much drunkenness this year." (Q. 13529–13532). The number of arrests in 1877 was 205. (Q. 13555).

Taking the population in 1891 as 8,765, the ratio of arrests per thousand for that year (total 263) would be 30.00, and if two thirds of them were for drunkenness, the ratio for that offence would be 19.85. These figures compare very unfavourably with many license places throughout the Dominion.

The Pastor of the Baptist Church stated that at one time a citizen's committee had been formed in Moncton; that it lasted two years; that it had a guarantee fund, but collected enough in fines to enforce the law; that they closed up the public sale of liquor, and then stopped. (Q. 753, vol. 1.)

The representatives of various churches were heard before the commission.

The Rt. Rev. Hollingworth Tolley Kingdon, Coadjutor Bishop of Fredericton, expressed his adherence to the plan pursued in temperance work by the Church of England, of which he had knowledge through his connection with the Church in England. He stated that he had never joined any particular temperance organization, because he thought the church was the chief organization that was required; that he had never advised any one to take the pledge, unless by way of protection to himself, and then only for a limited period. In his experience he had always

found it better, if the man could not restrain himself, that he should be helped by taking the pledge for a limited time, and that it was much more likely to be kept than if he took it for life; that he had found the results morally good. He considered there had been a great increase in the temperance and sobriety of the people both in England and in this country, within late years, which he attributed to the influence, in a great measure, of religious teaching. He was not in favour of prohibitory legislation, and thought that no law could be placed on the Statute Book and not kept without doing harm.

A resolution of the Synod of the Church of England, of Diocese of Fredericton to the following effect, was submitted:—

"That this Synod deplores the evils caused by intemperance and excessive in-
"dulgence in intoxicating liquors, a frightful source of poverty, suffering, disorder
"and crime in the Dominion, and hindering the church. Therefore,"

"Resolved that it is the duty of the church, and of every member of the church,
"to use every effort to promote the principles of temperance and sobriety, and to
"use every ligitimate method to check this great evil."

The clergymen of the Church of England in Fairville, St. John County, where he had been for about seven years, and who had also resided at Canterbury, in the County of York, for about a year, stated that the Scott Act was in force at Canterbury; that Fairville was not under the Act at first, but it was afterwards, but not now, for which he was thankful, because he thought the Scott Act had been a curse wherever he had seen it in force. "Drink," he added, "is blamed for a great deal, but I think the Scott Act has opened a way to, I was going to say, hatred, malice and all uncharitableness; it has bred deceit and has increased the sale to women and children, and the people take liquor now to satisfy their taste, and every man's hand is turned against his neighbour. That has been my experience in Canterbury and in Fairville; others may have had better experience in regard to the Act. People who were friendly now pass each other by, and no man dare call his soul his own. That is my experience of the Scott Act. It has been an utter failure in every place where I have seen it. While I would engage in practical work in the cause of temperance, I would be the first to rise against a prohibitory measure."

This gentleman describes the steps which had been taken to enforce the law, and stated that before the adoption of the Scott Act there were three liquor stores in Fairville; after its adoption liquor was sold in almost every house.

The attitude of the Methodist, Baptist and Presbyterian churches of the province was explained by clergymen of these denominations, and it was practically that of these churches generally throughout the Dominion.

The parish priest of St. Bernard's Roman Catholic Church, Moncton, gave evidence before the Commission. He said he had resided in Moncton about ten years. He stated that he would like to see the existing law, the Scott Act, thoroughly enforced; that, in his opinion, it was not enforced at all, but, on the other hand, was perfectly disregarded, as far as he could see. He thought it would be a blessing to the community if it was enforced. He frequently asked his people to take the total abstinence pledge. Many of them did so, and nearly all kept it. He advised his people to keep the law as "the law of man must be God's law." He had worked for the adoption of the Scott Act. He said if he were in a policeman's position he would enforce the law, being paid for the work. He did not see the necessity for any more officers to enforce the law. He thought the Scott Act was now a farce, though he had been in favour of it, and supported it. He would repeal it now. If the law could be enforced, he would prefer its enforcement to its repeal. (Page 720, vol. 1.)

The High Sheriff of the County of York, who has held his position for ten years, stated that in 1890 the number committed to the common jail for infringement of the Scott Act was 6, and for drunkenness 26, the total committals for that year being 50. In 1891 the committals were 61, and for drunkenness 20. He stated that the committals for five years before the Scott Act came into force, and for five years afterwards, could not be given, as he had not the books; the administration was quite different now, and he did not know what had become of the books. He said he had lived in Fredericton for twenty-five years, and he thought there was not anything

like the drunkenness now that there was previous to the passage of the Scott Act. He said that the conditions fifteen or twenty years ago as regarded the floating population were somewhat different. There was then a great deal of rum selling on Regent Street, largely to lumbermen, but there were not so many of that class now visiting the city. He expressed the opinion that the Scott Act was remarkably well enforced in the County of York.

The efforts to enforce the law in the City of Fredericton led on one occasion to the arrest and incarceration of several of the hotel-keepers, who apparently had either a very large number of friends or a very large number of sympathizers, as they are said to have been visited when in jail by hundreds of people. They are stated to have been allowed to supply their own meals and to have a telephone placed in the jail.

Much drunkenness is said to have prevailed in Fredericton during the period when the city was under license. (Page 665, Vol. I). Is is evident that there is still a great deal of drunkenness, from the number of arrests made for that offence by the police; that, notwithstanding very vigorous measures taken at different times for the enforcement of the law, there must be a very considerable amount of illicit sale of liquor. One witness stated that there was not so large a floating population in Fredericton as formerly; that the opening of railways had diverted a certain portion of the travel from the city, and that this fact had in some degree contributed to the reduction in the number of offences for drunkenness.

The following information was given in evidence by Daniel Crilley, Police Magistrate and Commissioner of the Parish of St. Stephen's Circuit Court in regard to the arrests in that town, the population of which was, in 1891, 2,680.

| | | |
|---|---|---|
| From March, 1886, to end of year, | 162 convictions, | 125 for drunkenness. |
| 1887 | 93 | 78 |
| 1888 | 112 | 104 |
| 1889 | 103 | 82 |
| 1890 | 128 | 112 |
| 1891 | 126 | 100 |

The number of convictions for infringements of the Scott Act from March, 1880, to the 1st. August, 1892, was 203.

A statement will be found amongst the appendices, number 10, showing the population of the provincial insane asylum. The ratio of those remaining in the asylum at the end of each year increased from 1·01 in 1881, to 1·40 per thousand of the population, in 1892.

According to the Census report for 1891, the insane increased in exactly the same ratio as the population in this Province, namely 12·04 per cent.

New Brunswick had, according to the same authority, 27 insane persons per thousand of the population, which ratio was higher than that in British Columbia, Manitoba and the North West Territories, but lower than Nova Scotia, which had 30, and Ontario which had 28, Prince Edward Island, which had 30, and Quebec which had 30.

According to the figures supplied to the commission, the number of the insane in the provincial asylum at the close of 1891 was 53 per cent of the insane population as shown by the census return for that year.

According to the census returns, in the year 1871 there were 788, and in 1891, 886 persons of unsound mind in this province.

The provincial government supplied a statement showing that the cost of maintaining lunatics in the province ranged from $97.50 to $125.91 per capita per annum.

Dr. James P. Steeves, superintendent of the asylum, stated that the statistics kept showed that about one eighth of the insanity of those admitted to the asylum was due directly to intemperance, and about one eighth indirectly; but statistics were very uncertain things, and when persons were engaged to establish a certain conclusion they were very apt to get the statistics warped considerably to suit preconceived notions. His statistics were prepared with no pre-conceived intention. He considered that intoxication or intemperance was the leading cause of insanity and stood prominently above any other cause. He thought that habitual drinking,

though it had not reached the point of actual drunkenness, had an effect on the children of those so indulging. He stated that statistics demonstrate that there is an increase in the occurring cases, and that the accumulation of the insane is very widely increasing. He said he thought that about one-sixteenth of those admitted were classified under the head of "predisposing cause unknown."

The returns of prisoners committed to the jail in this Province are imperfect. From some of the counties no returns have been received at all. Others have no records. The statement, Appendix No 2, contains all the information on the subject which the Commissioners have been able to collect. It will be observed that the ratio of those remaining in prison slightly increased in the later years covered by the returns.

In appendix number 63 will be found a short statement of the efforts of temperance societies and the churches to promote total abstinance in New Brunswick.

A letter was received from the late Justice A. L. Palmer of the Supreme Court of New Brunswick, dated 30th. July, 1892, which is printed as appendix No. 170.

## PRINCE EDWARD ISLAND.

A brief summary of the laws which have been in force in regard to the liquor traffic in Prince Edward Island from the year 1770 down to the present time will be found in Appendix No. 64.

The abstract, although brief, is highly interesting, because it is seldom that such complete historical information in regard to the liquor laws of any self-governing community is to be obtained.

The Commissioners desire to express their obligations to the Hon. Frederick Peters, the Prime Minister, and Mr. Arthur Newbery, the assistant provincial secretary of the province, for the prompt manner with which they have complied with requests for information made by the Commissioners, and the very ample way in which such information has been supplied.

The Province of Prince Edward Island is really the only one in the Dominion which made what might be considered a full response to the first enquiries of the Commission for information. A form was sent to each province with a request that it be filled up and returned. That received from Prince Edward Island, which is printed as Appendix No. 66, supplied the fullest information which has been obtained.

In the year 1878 the Canada Temperance Act was adopted in Prince county; in 1879 in King's county and in the city of Charlottetown, and in Queen's county in 1880. The numbers voting for and against the adoption of the act in each will be found in Appendix No. 50.

In Prince county the act was re-submitted in 1884, and the vote was in favor of its continuance. In Charlottetown it was re-submitted in 1884, 1887 and in 1891. It was sustained on the two first-mentioned occasions, and defeated on the last. It was voted upon again in 1884, and, it is understood, re-adopted by a small majority.

After the repeal of the act in 1891, no licenses were issued, and there was practically unregulated free trade in liquor in the city. On 1st July, 1892, it was put under regulation by act of the Provincial Legislature, the terms of which are briefly: The only entrance to a place where liquor is sold is to be from the main street; no screen or curtain is to be placed on the windows, and there shall not be any partition or stalls inside; there shall be no sales on Sundays; all places where liquor is sold are to be closed at 10 p.m. on all working days, excepting Saturday, on which they are to be closed at 7 p.m. No licenses are issued.

From what has been stated it will be seen that practically the whole island was under the Canada Temperance Act from 1880 to 1891.

Looking at the fact that, owing to the isolated position of the province, one of the main difficulties experienced elsewhere in the enforcement of the act, that arising out of immediately contiguous territory being under a license system, does not exist. The experience of Prince Edward Island deserves to be very carefully studied. It is fortunate that the records of information bearing upon the subject have been kept, with greater care and accuracy than is generally the case.

Prior to the coming into force of the Canada Temperance Act licenses were issued, and the following statement supplies information in regard to the number thereof, the fees charged, and the revenue derived from 1874 down to 1881, as also the revenue derived from licenses for distilleries, stores, taverns, and hotels between 1867 and 1873.

"Statement prepared in compliance with a request contained in a communication from the Chairman of the Royal Commission on the Liquor Traffic, dated Montreal, 14th April, 1892, showing the amount annually received by the Government of Prince Edward Island within the Province, exclusive of Municipalities, for the granting of liquor licenses from 1867 to 1881, both inclusive, since which date no Provincial liquor license law having been in operation:—

| | | | | |
|---|---|---|---|---|
| 1867—From distillers, store, tavern and hotel licenses | | | | $ 1,552 64 |
| 1868— " " " " " " | | | | 2,202 98 |
| 1869— " " " " " " | | | | 1,920 72 |
| 1870— " " " " " " | | | | 2,225 78 |
| 1871— " " " " " " | | | | 1,833 11 |
| 1872— " " " " " " | | | | 2,016 29 |
| 1873— " " " " " " | | | | 1,893 33 |
| 1874—78 tavern licenses @ $11 36—$886 08 | | | | |
| 20 store " @ 24 33— 486 66 | | | | |
| | | $1,372 74 | | |
| 1875—78 tavern " @ $11 36—$886 08 | | | | |
| 24 store " @ 24 33— 583 92 | | | | |
| | | 1,470 00 | | |
| 1876—30 tavern " @ $11 36—$363 52 | | | | |
| 27 " " @ 30 00— 810 00 | | | | |
| | | 1,173 52 | | |
| 9 store " @ $24 33—$218 97 | | | | |
| 2 " " @ 75 00— 150 00 | | | | |
| | | 368 97 | | |
| | | | $1,542 49 | |
| 1877—51 tavern " @ $30 00— | | $1,530 00 | | |
| 4 store " @ 75 00— | | 300 00 | | |
| | | | $1,830 00 | |
| 1878—18 tavern " @ $30 00— | | | 540 00 | |
| 1879—12 " " @ 30 00— | | | 360 00 | |
| 1880— 9 " " for part of year,— | | | 158 30 | |
| 1881— 1 " " " " " | | | 37 50 | |
| | | | | 7,311 03 |
| | | | | $20,955 88 |

NOTE.—"Owing to the absence of details in the available public records, the amount received on each kind of license mentioned prior to 1874 and the number of such licenses issued, cannot be ascertained."

It will be noticed that the fees charged had been gradually increased, and stores which, in 1874, were charged $24.33 each, were in 1876 $75 each, and the charge for taverns had been advanced from $11.36 to $30.

There appears to have been issued by Charlottetown and Summerside, in addition to the foregoing, the following licenses:

| | Charlottetown. | | Summerside. | |
|---|---|---|---|---|
| | | Total License Fees. | | Total License Fees. |
| 1876 | 33 | $2,051 81 | 10 | No returns. |
| 1877 | 42 | 1,866 01 | 14 | do |
| 1878 | 39 | 2,070 67 | 12 | do |
| 1879 | 39 | 1,937 11 | 19 | do |
| 1880 | 35 | 2,372 42 | 20 | do |
| 1881 | 3 | 64 38 | | |

It may lead to a better understanding of the situation in Prince Edward Island, to briefly describe the terms of the Canada Temperance Act, and also briefly to compare it with the law in force in the State of Maine.

The Canada Temperance Act prohibits the retail sale of liquor for beverage purposes within the boundaries of the county or city to which the Act is made to apply, except that sales may take place of not less than ten gallons, or in the case of ale and beer, not less than eight gallons at one time, and only to vendors lincensed to sell for medicinal, etc., purposes, or such persons as will forthwith carry the same beyond the limits of the county or city, and any adjoining county or city, in which the Act may be in force. The Provincial Government appoints such last mentioned vendors, and under the law they are required to make a report to the Federal Government at Ottawa, of all sales made by them. Sales for sacramental purposes are only to be made on the certificate of a clergyman, and for use in some art, trade or manufacture, on the certificate of two Justices of the Peace, and for medicinal purposes, on the certificate of a medical man.

The manufacture of liquors is not prohibited under the Act.

The Provincial Government can appoint Inspectors to enforce the law, whose salaries are paid by the city or county in which they are appointed. The law provides for fines for first and second offences, and for fine and imprisonment for third offences against the law. Authority to search and seize extends only to cases where conviction is first had. The fines inflicted for breaches of the law are to be applied to the carrying on of prosecutions and giving effect to the Act.

Under the law in the State of Maine every citizen can import liquor into the state for his own use, in such quantities as he may think proper. The manufacture and sale within the state is prohibited. The law confers extensive rights of search and seizure, and the sheriffs of the different districts are charged with the enforcement of the law. They can employ such assistants as they may consider necessary, and the state authorities can, under certain conditions, appoint officers to enforce the law.

It is manifest to every one who studies the Canada Temperance Act that the communities adopting it have to give effect to the law, unless they are by some special provincial legislation relieved in part or in whole from the obligation of doing so.

The people in a province situated as are those in Prince Edward Island can scarcely be justified in complaining of the non-enforcement of the law, because in their case non-enforcement must result either from the necessary measures not being taken by themselves to give effect to the law, or the impracticability of enforcing it.

The evidence taken by the Commission clearly shows that the law was not enforced either in the city of Charlottetown, or in Summerside, a place of about 3,000 inhabitants, and evidence was given that in some other places, with a population of about 1,000, the law was not observed. It was claimed to have been better observed in the outlying country districts.

Many of those who testified before the Commission, whilst admitting that the Canada Temperance Act was not enforced, expressed a preference for a general prohibitory law which they thought might be better enforced. They preferred the Canada Temperance Act to the system of free sale under police regulation in the City of Charlottetown, but preferred the latter to the license system, although it was affirmed that, under the old license law in force prior to 1881, there were only about 39 licensed places, and therewith the unlicensed places did not make the number as many as sold under police regulation. (Q. 16193). Whilst under the Canada Temperance Act it was stated that from 100 to 150 places were selling, and one witness put the number as high as 200 (Q. 15338, 16188), under the police regulation law the places selling did not exceed 76. (Q. 15326).

The Commissioners are led to conclude that this feeling of antagonism to the license system is prevalent amongst the people of the island, and that it is the outcome of the conviction, or sentiment, that to legalize in any way the sale of liquor is morally wrong.

Many of the witnesses, while desiring to see a prohibitory law enacted, did not speak with confidence of the prospect of enforcing it efficiently, and many others did not hesitate to say that they believed its enforcement impracticable.

The Mayor of the city of Charlottetown, (who has been continuously Mayor since 1886) the hon. Senator Haviland explained that up to the year 1880, licenses were issued in the city. The numbers it appears, were in 1877, 42; 1878, 39 1879, 39, and in 1880, 35. He also said that from 1880 up to 1891 the Scott Act was in force in the city; that for a year and a half afterwards there was practically free trade in liquor, and that from July 1892, it was conducted under police regulations, without license. He thought the Scott Act had contributed to sobriety in the city; that towards the end of the period the act was in operation it was not rigidly enforced, and he thought the reason was that the majority of the city council were not in favour of the act. He said he could not explain why the liquor interest was so strong in a province which, as a whole, might be considered prohibitionist, and added that there was a period when a special officer was appointed as prosecutor under the Scott Act, but the time came that a majority of the council was adverse to the act, and they dismissed the officer and transferred the duties, with a nominal salary, to the City Marshall. He was strongly in favour of the appointment of officers by the Dominion Government to enforce the law, and thought that the Dominion should bear the expense of their doing so. (Q. 14785–6.) He had known as many as four of the members of the council engaged in the liquor business, and, of course, they were selling illegally. They constituted two fifths of the members of the council. (Q. 14821). The fines collected for infrigements of the act were paid into the City Treasury, and a large proportion of them was utilized in paying the expenses connected with the Scott Act: "but it was like a dentist drawing teeth to get the money." (Q. 14762). "I have always been opposed in my elections by the liquor interest. We have a woman franchise, and I was opposed by that." (Q. 14881.) He believed that the liquor traffic was immoral and productive of great evils, and, therefore, objected to licensing the trade. (Q. 14965–6).

Mr. R. R. Fitzgerald, barrister, was appointed Stipendiary Magistrate for Charlottetown in 1875. Previously some of the aldermen acted as magistrates, but that year he was given sole jurisdiction in the city, and that of the magistrates ceased He handed in the following statistics of arrests, and convictions for drunkenness.

| | Total arrests. | Convictions for drunkenness |
|---|---|---|
| 1876. | 1,290 | 676 |
| 1877 | 1,297 | 737 |
| 1878 | 745 | 357 |
| 1879 | 544 | 321 |
| 1880 | 491 | 256 |
| 1881 | 472 | 197 |
| 1882* | 404 | 218 |
| 1883 | 526 | 250 |
| 1884 | 481 | 229 |
| 1885 | 640 | 284 |
| 1886 | 592 | 299 |
| 1887 | 516 | 213 |
| 1888 | 598 | 262 |
| 1889 | 483 | 395 |
| 1890 | 510 | 239 |
| 1891 | 566 | †304 |

Statistics since obtained show that the convictions for drunkenness in 1892, were 222, and in 1893, 206. (Letter dated Aug. 16, 1893).

Mr. Fitzgerald explained in reference to the decrease in the number of arrests, "previous to my appointment, at all events, it was generally considered that the criminal business of the city was not well managed, owing to the constitution of the

*First year of enforcement of Scott Act. †(Q. 14979).

court. It was not managed properly, for the judges were not legal men, but were aldermen, who took in turn the trial of all criminal cases. The number dropped off after my appointment, and during two years had dropped from 1,200 to 745, and from that time it has still decreased, until it now averages about 400 or 500, and it remains at that number." (Q. 14980). He further explained that it was after his appointment that the issuing of licenses by commissioners was adopted, and he thought the number of licenses was diminished. He thought there was more shipping in the years 1876 and 1877 than subsequently. He considered that the decrease in the number of cases was largely owing to the more strict enforcement of the law. When he took office he had handed over to him notes of hand for $4,000 as representing fines inflicted, but not collected, and they never were collected. (Q. 14993). He expressed the opinion that, as regarded drunkenness in the city, the license law and the Scott Act had very little effect on drunkards one why or another. He thought the volume of drunkenness was largely dependent upon a small number of people; 20 or 30 separate persons would make up, to a very large extent the volume of drunken cases. The whole amount collected in fines during the nine and one-half years that the Scott Act was in existence was $12,643.00, (Q. 15012) and the total number of convictions for infringements of the act was 364–243 first offences 65 second and 51 third; 123 of the whole number were actually imprisoned. (Q. 15013–6). When the Act was first brought into force, there was a Temperance Alliance League and prosecutions were carried on by them. The members laid quite a number of informations during the first couple of years. Afterwards they found that it interfered with their private business, and the work was gradually dropped, and at last was left entirely to the police force. There was unquestionably a large amount of perjury committed in connection with liquor cases. He thought the Scott Act was not educational in many respects. There were some senses in which the Act might be called an educator. It prepared people for total prohibition and in that sense, in the eyes of those who desired to see prohibition, it might be considered an educator.

"The Scott Act," he continued, "is neither one thing nor the other, because it permits liquor to be imported into the country, and it then attempts to prevent its sale. * * * It is a workable act, and one that could be enforced in my judgment, especially if all the fines were paid into the Treasury and used for the purpose of enforcing the Act. But * * * I would unhesitatingly express my preference, in the interest of temperance, for prohibition.

Members of the city council were brought before him for illicit selling. Some were convicted and fined, and others imprisoned, and this whilst members of the council. (Q. 15050–1–2.) He did not think an argument of any great value could be drawn from the records of drunkenness as regards the working of the Scott Act or any other measure. (Q. 15065.) The volume of drunkenness, as well as increase in crime was affected by want of proper punishment by the courts. (Q. 15061.) He thought there were fewer people selling liquor in Charlottetown in August, 1892, when the sale was practically free than were selling during the Scott Act period. (Q. 15077.)

There were violations of the law under the license system in regard to the sale to minors or keeping open in prohibited hours, but there was little illicit sale. The licensees objected to the illicit sale, and they assisted in an indirect way to prevent it. (Q. 15091–2–3–4.)

"I say," he added, "that religious training has a great deal to do with it (the promotion of temperance). I know constantly in my practice as police magistrate, that when a priest takes hold of an unfortunate, he has much greater influence with him than I have. My punishment does not reach him as well as personal admonition * * * That is a more practical way than all the legislation that ever was placed on the statute book." (Q. 15113.)

"While the Scott Act was in operation, although drunkenness appears to have been about the same, and although there may have been 100 or 150 people selling, I believe there were times in this city when it was almost impossible to get a glass of ginger ale. I know this, that many men during the Scott Act time, made money by

selling liquor; but I also know that when the law was rigidly enforced, it was most difficult for a man to get liquor, and a man had almost to lose his self respect, to descend to trickery, before he could get liquor." (Q. 16220.) He considered the amount of fines imposed was inadequate. He made a statement of the amount of fines imposed, and the number of times some of the offenders were in jail, (Q. 16221) and explained how they were treated whilst in jail. (Q. 16223.) He said: "Application was made to the council several times under the Order in Council for the fines, but the application was refused." (Q. 16239.)

The Hon. Edward J. Hodgson, of Charlottetown, Master of the Rolls, stated that his experience was that the Scott Act in Charlottetown was an unmixed evil; that drinking was increased, and that perjury increased to an inordinate extent; that it produced a class of blackmailers. He considered the Act had done much good in Queen's County. In Prince county liquor drinking had decreased. In Summerside the Act was not efficacious, because in towns it was not well supported. In Kings County it was the same. In Montague and the better parts, he thought there had been a marked decrease in drinking. The trade had fallen into the hands of very disreputable people. To the east where Souris is situated, drinking was unlimited. There was abundance of liquor there. There was a vast difference between the urban and rural population. When he was at the bar he was thoroughly convinced of the evils of the Canada Temperance Act, and spoke and voted against it. He was prepared to vote for it in the country districts, and to speak in favour of it, if occasion arose. He was simply expressing his independent opinion as a member of the community. The blackmailers he referred to, would go and say to a man: "I know you have been selling liquor, and if you do not give me money I will bring you before the court." He thought the best way would be to have prohibition, but, unfortunately, it would not be possible to enforce it, and there would be a vast amount of smuggling. (Q. 15148–54–65–67.) He had been told on what he believed to be good authority, that at one time, whilst the Canada Temperance Act was in force in the city, there were 146 places where liquor was sold; that bedroom and home drinking increased to an enormous extent (Q. 15208) He said that continuous and flagrant violations of the law led to a perversion of the moral sense of the people. "Of that I am quite sure," he continued, "and it is for that reason I know the evils of the Canada Temperance Act are very far-reaching, and we have not seen the end of them yet. I have seen, unfortunately, a weakened sense of respect for the law, and I have been very sorry indeed to see it."

The City Marshal stated he thought that the effect of the Scott Act was to decrease drunkenness amongst a certain class of people, but amongst another class it did not. He had no doubt that drinking in offices and bed-rooms had increased after the Scott Act came into force, and that liquor was sold in grocery stores, and that, during the period the Act was in force, there was a lower class of people selling. The present law (free sale under police regulation) was working well, and he thought drunkenness was steadily falling off.

The keeper of the almshouse in Charlottetown, who had held the office for twenty-three years, expressed the opinion that the population of the house was not greatly increased by the drinking habits of the people, but it was principally infirmity and old age that brought them to the institution; he did not think that drink had anything to do with the people who came there. He was himself a temperate man and a Scott Act supporter, and thought that drinking was going out of fashion in Charlottetown.

Rev. James Simpson, incumbent of St. Peter's Protestant Cathedral and head master of St. Peter's School, expressed the opinion that it required personal contact with offenders, and that it was no use to preach temperance in the pulpit and then go to the drunkard and simply tell him to do better. Temperance ought to be taught to children, and he thought the most successful way of dealing with those who over-indulged was to get them to take a short pledge. He thought the system then in force (police regulation), with a few amendments, would be just as effective as any system which could be resorted to. He would not support a prohibitory law, because it would lead to so much smuggling. He would not desire to see the Scott

Act re-enacted, as it did not prevent drinking, and encouraged a great deal of sneaking hypocrisy and mean ways.

Rev. George W. Fisher, of Pownal, Queen's County, about seven miles from Charlottetown, a Methodist clergyman, said he had found the Scott Act successful. Inspectors were appointed by the government. The place was a small scattered village, with, perhaps, a population of five or six hundred. Before going to Pownal he had been at Alberton in the western part of the island (population about 1,000). He had found the Act successful there. He had not had any experience of the license system in the island. The Act had reduced the sale of drink in Alberton to a great extent, and prevented a great amount of drinking. (Q. 15482.) If a general prohibitory law would work as well as the Scott Act had done in Charlottetown, he would vote for it. (Q. 15523.)

Mr. Fisher was recalled and gave the following additional evidence—

"Is the book now shown to you the Journal of the proceedings of the Grand Division of the Sons of Temperance of Prince Edward Island, at the session held at Hamilton, October 28, 1891? It is.

"In the report of the Grand Scribe presented at such session of the Grand Division appears the following:—

"I think I am quite safe in saying that not, for many years, has there been so much drinking among the young. Hundreds, yes thousands, of our boys—boys yet in their teens, many of them belonging to christian homes and christian parents—are fast going the way that leadeth down to death, dragged down by the drink curse.

"The report was, on motion of Rev. G. W. Fisher, referred to the Committee on finance and state of the Order. (Pages 13 and 14.)

"In the report of the said committee appears the following:—

"We agree with your Grand Scribe that the present is a critical time in the history of our order and of the temperance cause in this province. The repeal of the Scott Act in Charlottetown has emboldened the liquor party. From Charlottetown liquor is being distributed throughout the country. Tippling and drunkenness are on the increase. There is great need for a long pull, a strong pull, and a pull altogether on the part of temperance workers." (Page 20, 16836.)

Mr. James H Reddin, of Charlottetown, a practicing barrister, did not consider that the Scott Act had been advantageous to the people of Charlottetown. He preferred a license law; did not think there was much drunkenness in Charlottetown, but that it compared favourably with other cities in the Dominion; that the Scott Act had been generally disregarded, and that it was more easily made efficient if the country districts than in the cities and towns. He thought that the system on regulation by the police in force in Charlottetown promoted temperance more than the Scott Act, though the latter did good where it was enforced.

The manager of the Telephone Company, Charlottetown, thought that the Scott Act had done much good in the rural districts. He said that it had sometimes been observed for a short time in Charlottetown, when the council was in favour of it. At other times the council and authorities would not favour it, and the liquor business would expand. He would prefer Charlottetown as it was under the Scott Act to Charlottetown under the license system. He thought it wrong that a revenue should be derived from the traffic, and was of opinion that the Scott Act was an educator, and educated the people to take a step further for prohibition.

Mr. Benjamin Davis, who had been merchant for fifty years, but is now retired, and who had known Charlottetown when the license law prevailed, said he did not think there had been any great change in the drinking habits of the people. He thought there was not quite as much drinking now in proportion to the population as there was twenty-five years ago. He did not think the Scott Act had suppressed drunkenness, nor that it had any marked effect within the city. It did better in the rural districts. He did not think that the liquor traffic affected business much one way or another, and he did not think that it would affect merchants much one way or another if the liquor trade was shut up in the city of Charlottetown. He thought that the Scott Act caused a great deal of false swearing, and when people

were prohibited from taking what they desired, they took too much when they got a chance, and hence many of the country people who came into the city got intoxicated. He thought that a license system would be better than the free sale. Liquor was freely sold during the Scott Act period. "When you saw a cabbage at the door and a bottle in the window? he said you could get a glass of whiskey there when you wanted it."

The Collector of Inland Revenue at Charlottetown handed in particulars of domestic spirits. (See Appendix No. 18, vol. 1 of evidence). He explained that there was one brewery which continued its operations during the Scott Act period, and it had been regularly at work ever since it was established, many years ago. He handed in a statement of the quantities manufactured from the year 1885—(see Appendix No. 19, vol 1 of evidence)—explaining that they could not be given prior to that date, as the records between 1873 and 1884 had been destroyed by fire.

It will be observed on reference to the statistics of domestic spirits, that the average entered for consumption was less in the Scott Act years than it was in the two years 1891–2, when Charlottetown was selling under police regulation; but the figures are incomplete, and do not include domestic spirits, the duty upon which is paid elsewhere. The statistics of beer made are given from 1885. The production increased from that year, until it reached in 1889, the highest point, and more than double what it was in 1885. The average of the six Scott Act years was slightly lower than the average of the years 1891 and 1892, when there was free trade in Charlottetown. The lowest figures were those of the first two years covered by the return, viz., 1885-1886.

From the Collector of Customs was obtained the importations and the quantity entered for consumption at the port of Charlottetown (King's and Queen's counties)

| — | For one year and a half before repeal of Scott Act in Charlottetown. | For one year and a half after repeal of Scott Act 1891-92. |
|---|---|---|
| Ale | 7,978 | 5,655 |
| Spirits | 34,292 | 35,572 |
| Wine | 1,742 | 2,143 |

The Collector of Inland Revenue said:—"From observation I have to state that during the Scott Act years in Charlottetown, I lived out of the city on a very quiet road, and, of course, I saw nothing of drunkenness. There are no liquor shops in the country in that direction. During the last two years I have lived in the town on one of the most public thoroughfares, and I fail to see any difference in regard to the travelling public. They are a steady, sober people. The only drunken people are some strangers and the roughs about town." He did not think that those who wanted a drink had any difficulty in procuring liquor during the Scott Act period. He said that the authorities found themselves unsupported by public opinion; that the people would be better pleased if they did not carry out the law too strictly, and that the main reason why they did not carry it out was that they got nothing for it. He did not believe that a prohibitory law could be enforced; publicly it might be, but privately it would be violated, and there would be illicit distilling, as there was then. He had arrested five or six illicit distillers at different times. When he found a man he had him put in jail, which checked the business for a time. He thought that drinking could not be stopped unless distilling were stopped.

Mr. M. H. Wright, of Charlottetown, a manufacturer who had resided there twenty-five years, stated that he would prefer the system then prevailing (free sale under police regulation. He was, on principle, opposed to a license system. He did not think that the people of Charlottetown, when they repealed the Scott Act, declared against prohibition. As regarded his workmen, he saw no difference in

them during the Scott Act and other periods, except that in the last few years they had been gradually improving in the matter of drinking; they were as temperate under free liquor as they were under the Scott Act. He did not approve of either license or free sale, and thought the State ought to prohibit the traffic. His men were not all total abstainers, but they were largely temperate. Perhaps 10 per cent were moderate users of liquor.

The Hon. Joseph Hensley, Judge of the Supreme Court, said that there were some delays caused by legal proceedings after the Scott Act was adopted. A question was raised as to the constitutionality of the Act, and the Courts suspended giving decisions on cases until that was decided. He thought that took about a year and a half, and then there were some questions raised as to whether a place was a city or town, and whether an election had been properly carried on. Those difficulties impeded the working of the Act for about twelve months; but for the last six or seven years that it had been the law in the province there were practically no legal difficulties impeding its enforcement. A large number of cases, he said, came before his Court and were disposed of one after another. Cases recently had been disposed of much more quickly, owing to the decision being vested in the judges, whilst formerly in some cases there were jury trials. He thought that after the Act first passed there was less drunkenness in some parts of the country, notably in Queen's County and Charlottetown, but he did not see much difference in that respect since the Act was repealed. Public sentiment, he added, was so strongly in favor of temperance, and such societies as the Women's Christian Temperance Union and some other societies had done as much good as the operation of the statute, that, if the Scott Act had been properly supported, it would have been much more efficient than it was, for, though it was carried at elections, there was a lack of public sentiment at the back of it. He had frequently had occasion to tell grand juries in the county "that it seemed to be very strange that they got their Legislature to pass the law, and they adopted it, and then failed to enforce it." He did not think that the delays which took place through the legal proceedings already referred to disheartened those interested in the Act. He did not think that these proceedings had any effect. He thought that prohibition of the manufacture, importation and sale for beverage purposes, well enforced, would be a benefit to the country; but he had very much doubt if it could be enforced. In the Legislature, many years ago, he had brought in license bills, one in particular about local option in school districts, providing for the adoption of prohibition when it was carried by two-thirds of the people within a small radius. He thought that it operated well while it was in force. "When," he said, "you have two-thirds of the people pledged, who live in sight of each other, you must have sympathetic support." He did not think the law helped public sentiment, but that the law was the result of public sentiment. A law on the Statute Book openly and flagrantly violated, he considered a very scandalous state of things. He considered it unwise to maintain a law which was openly violated, observing, "I think it brings about a very immoral state of public feeling. Under the Scott Act there were constant prosecutions and appeals, yet, notwithstanding that, it was said the number of places where liquor was sold was unlimited. That is not a satisfactory state of law. It showed either the law was not efficient or that it was not being efficiently enforced. The principal lawlessness is the fearful amount of perjury in these cases, notorious and evident perjury, and that is most demoralizing and causes the most painful feeling. It does a great deal of harm to moral feeling when evidnce is so constantly given in such a way as it has been in my experience in Scott Act cases." (Q. 16056-59).

Mr. Arthur Newbury, Assistant Provincial Secretary, stated that there were only two licensed vendors under the Scott Act in August, 1892, but there were licensed druggists who were vendors under the Canada Temperance Act; these paid $50 in towns, and $40 in rural districts. Asked as to the operation of the Canada Temperance Act in Charlottetown he said: "I do not think it has worked very satisfactorily, not from a lack of temperance feeling, but a feeling against the Act." He would favour license law, properly carried out, to the present free sale

under police regulation. He thought that prohibition, if properly carried out, would have a better effect than license. He said that complaints had been made against the licensed vendors for not complying with the terms of the law, and in the past some licenses had been cancelled. There had been times when there were more vendors than there are now. He thought there had been as many as eight or nine throughout the Island, and of that number probably five were in the city of Charlottetown. Of course, since the repeal of the Canada Temperance Act there was no necessity for licensed vendors in the city.

Mr. W. E. Dawson, a merchant in Charlottetown, for forty years, who had known the city under the license system, under the Scott Act, and under the free sale and police regulation system, thought the Scott Act was not enforced; but he did not think there was much difference in the drunkenness prevailing during the Scott Act period and subsequently. He said he would prefer the Scott Act to a license law. He meant the Scott Act properly enforced, not otherwise. (Q. 16107.) If it was not properly enforced, it was a farce, and he would prefer a license law to the Scott Act enforced as it was in Charlottetown. He had been chairman of the commission on licenses, and would prefer total prohibition, properly enforced, to any other system; but to enforce it would require an intense public sentiment at the back of it. Under the old license law they had liberty to grant as many licenses as they thought proper. There was an option law, and the Commissioners were authorized to carry that law out. He thought that public opinion endorsed rigid enforcement of the license law. He stated that he was Mayor in the years 1877–78–79–80, and that the convictions for drunkenness were, in 1877, 729; in 1878, 357; in 1879, 231; and in 1881, 193. He had not the figures for 1880, but they were obtained from another source, and showed the number to be 256. Asked if he thought there was a lack of public sympathy with the Scott Act, he replied, "I am afraid public opinion was not with the Act, that is to say, not as it ought to have been." He thought that the officers to enforce the Act should be appointed by the Dominion Government. The city council had not provided the necessary machiney to carry out the Act. (Q. 16151.) He stated, "I would give them (the people), an education through the Scott Act, and if they did not afterwards want it, all right. But I would blot out free rum. If I had the power to do so I would add some amendments to the Act we have to-day." He thought there were four times as many places selling under the Scott Act as under the license system. In the year 1879 there were only 39 licenses issued. There were some unlicensed places in 1879, but very few. They were sharply looked after. (Q. 16192.)

The Hon. Angus B. Mackenzie, of Charlottetown, member of the Legislative Council of Prince Edward Island, would infinitely prefer the Scott Act, even in its worst stage, to a license law. He would prefer to have the system now in force rather than a license system, if even only half a dozen places were licensed. Licensing made the trade respectable, and he was entirely opposed to the license system on principle. He was in favor of the total prohibition of the manufacture, importation and sale of liquor for beverage purposes; in short, under all circumstances, except for medicinal purposes. He supposed that there would be some difficulty in carrying out the law, but he did not see any insuperable one. He thought it would be no more difficult to effectively carry out a prohibitory law than to carry out the revenue laws. He thought the temperance sentiment was strongly in the Island, outside of Charlottetown. He represented eleven townships, the most populous district of the county, and he heard no complaints against the Scott Act. So far as he knew, there was not an illicit house in the whole of that county. He could not give any reason why the Act was not effectively enforced in Charlottetown. He thought the law was good enough, if the parties who had had the carrying of it out had the moral courage or the will to do it. He expressed the opinion that if the people of Charlottetown had the opportunity presented to them of voting for the Scott Act, they would carry it by a decided majority. A general prohibitory law would have to be enforced by the Dominion Government. He was one of the eight Legislative Councillors who had declared they would not give a license law to

Charlottetown. (Q. 16411). The council consisted of thirteen members. He thought that the effect of fifty places selling liquor, instead of twenty, would be just the same if they were under proper restrictions. He thought there was a marked improvement in business while the Scott Act was in force. Even when there were exhibitions in Charlottetown it was a rare thing to see a drunken man on the streets. Previous to the Scott Act there could be seen scores of carts, trucks and wagons around the licensed taverns at all hours. People became drunk and after they got home would be useless for next day. There was nothing of the kind under the Scott Act. He thought it an admirable Act, because it put rum sellers in a very awkward position. No one who had any regard for his character would be seen going into their places. (Q. 16332). He supposed that those who were found drunk on the streets got the liquor in the lower stores, where it was being sold illicitly. When requested to look at the list of convictions for drunkenness which had been handed in by the Stipendiary Magistrate, and were in 1881 197, and had gone up to 395 in 1889, and to explain, he said he could not account for it, but he thought that all the whiskey and rum brought into the Island was not, perhaps, drunk there, but some of it was shipped off to the northern boundary of Nova Scotia or New Brunswick. He could only say that he supposed those who were found drunk on the streets and were apprehended, got the liquor in the dens where it was sold illicilly. "When they went into those places the men would look around and see that no one was watching them, and if they got drunk they would stay there until they got sober." When it was pointed out that if they remained indoors they would not be arrested on the streets, and that would tend to reduce the number who were over-indulging, he said he could not account for it. He added, "I have heard people say when they got into one of these places, that a man might get his dram and go out, and when he got dry again, come back; but if they ran the risk of detection, they would take three at a time, and would get drunk."

"Then the present is a better plan?—I think it is. Of course, you should have no such places under the Scott Act." (Q. 16342).

The Honorable Thomas W. Dodds, of Charlottetown, a member of the Legislative Council for eighteen or twenty years, did not think the Scott Act diminished drinking in Charlottetown, but he thought that there had been a decrease in the drinking habits of the people in the country districts. He did not think that a law prohibiting the manufacture, importation and sale of liquor in the Dominion could be effectively enforced, unless there were so many officers along the coast that the expense would exceed the whole revenue. He was of opinion that smuggling would increase, and did not think that the sentiment in favour of prohibition was sufficiently strong to make a prohibitory law a success. (Q. 16440). He believed the Scott Act was a benefit to the country people. When they came into Charlottetown and found that they were liable to be brought up before the Stipendiary Magistrate if they over-indulged, and to be called upon to give evidence in regard to the selling of the liquor, it deterred some of them from over-indulging. They bought liquor, however, and took it home if they wanted it. He thought that a general prohibitory law, if it could be carried out, might do good, but he was only speaking of it as if it were well enforced. (Q. 16426). He did not think that a general prohibittory law, which would prohibit the importation as well as the manufacture, could be carried out. (Q. 16464). He expressed the opinion that if the Scott Act was to be carried out properly, the Dominion Government should appoint a sufficient number of officers and pay them to look after it. He would not prefer a license law to a prohibitory law well enforced; but he was of opinion that it could not be enforced. He could not therefore say that he would prefer a prohibitory law, because he was satisfied that it could not be carried out.

Mr. Charles C. Gardner, of Charlottetown, was in the Island as far back as 1854. He remained there several years, went away, and came back again twenty years ago. He had lived in the Royalty five years, and in the city fifteen years. He had not held any official position. He said that formerly the conditions under the license law were altogether different to what they were now. He never was a

temperance man or belonged to any temperance organization. In the days of the license there was much drinking, and sometimes it was dangerous to drive on the country roads after dark. Farmers and others would be found driving out at a fast rate, and there was great danger of being run into. He had lived in Summerside and had personal experience of what he was describing. The Scott Act, he considered, worked a great change for the better, and people who formerly went home drunk, during the Scott Act period now went home sober. He thought there were ten men who went home drunk under the license law to one who went home drunk during the Scott Act period. He was speaking of the country people, and so far as they were concerned he believed the Act had done a great deal of good. He thought that in one way it had also done good to the town people, and in another way it had not. The lower classes got liquor more easily under the Scott Act than they did under the police regulation arrangement, and in this way: "A man could go in and "get a drink and pay for it. The next day he went to the same place for liquor "without having any money. He told the seller, if you do not want me to inform "against you, you must give me some liquor. By using threats in this way, they "usually obtained it." (Q. 16492). He stated that he preferred any system, to the license system, and a municipality by granting a license virtually became a partner in the trade. (Q. 16509-10). He thought the present system of regulation was better for the man who sold liquor, because he was free from paying a license, in addition to which he was not responsible for the evils that might result from his selling. (Q. 16512).

Mr. John Kelly, commission merchant, had resided in Charlottetown for seventeen years, had been a representative in the city council for two terms, and was now a water commissioner. The commissioners are elected by the city as a whole. He thought that the Scott Act had been about as well enforced in Charlottetown as in other places. The sale of liquor was not stopped. He had heard the evidence of other witnesses about the number of places selling. He did not personally know the number, but it was very large, and he had no reason to think the witnesses stated anything but was true. He would prefer a good license system, with the number of licenses limited. He did not consider the fee charged was of much consequence. A license having proper restrictions was what was desirable, and he thought that to make a license law a success, it should deal with the persons who drink, as well as the persons who sell, and have the places closed not later than nine o'clock at night, opened not earlier than seven o'clock in the morning, and closed on Sundays. He thought there was really a stronger temperance sentiment in Charlottetown when the Scott Act came into force than there was at the present time, (August, 1892). There was a strong temperance wave all over the Island, the movement being supported by all the churches and temperance societies in all parts of the Island. That was before the introduction of the Scott Act, (Q. 16567). The way the Scott Act was enforced he thought had a bad effect on the community, and brought law generally into disrepute. He thought the Act was responsible for much perjury, and said that he would prefer a prohibitory law if it could be enforced. He thought, however, that it would be some time before that period arrived. (Q. 16593). He was of the opinion that there were not so many temperance societies in the town as there were before the inception of the Scott Act. Asked if he thought if money had been expended for the appointment of efficient officiers to enforce the law a better result would have been obtained, he answered, "No; I think it would have been very difficult to enforce the law, because there was no sentiment behind it. I think it was a law in defiance of public opinion."

Mr. Frederick H. Beer, of Charlottetown, grocer, said that there were times when the Scott Act was fairly well enforced, and his opinion was that when it was fairly well enforced there was not as much liquor sold as at other times. Had it been well enforced, it would have produced a good effect. There was a strong feeling raised against the Act, not only by the liquor dealers themselves, but by some of the newspapers. A man could not be arrested for drunkenness, but the Act was held up to disrepute, and a good many of the com-

munity got disgusted. The city council could not enforce it, and would not appoint a prosecutor. The last city council dismissed the one appointed by a previous council, and the prosecutor was then nominally the City Marshal. He believed that the Marshal did good work, but the arrangement did not work well. He had heard numbers of people say that it was not fair to allow liquor to come in when it was not allowed to be sold. He thought the sentiment was stronger in favour of general prohibition than for the Scott Act. There were certain districts in the city which had elected opponents to the Act. He did not know any city in the world where a council was elected by the whole body of citizens, but it was being agitated for. He mentioned, however, that in Summerside, with a population of four to five thousand, the council was elected by the entire population entitled to vote.

The Collector of Customs at Charlottetown, a gentleman who has held the office thirteen years, explained that there are in the Island twelve outports under Charlottetown and four or five under Summerside. The Scott Act had been very badly enforced. He thought it would have proved a good law, and that it would have been better enforced but for the insincerity of a great many of its friends. (Q. 16744.) He gave particulars of liquors imported, and stated that it must not be supposed that they were all consumed in Charlottetown. He could not tell what quantity was consumed in the rural districts. He stated that the quantity entered for consumption from 1st July, 1889, to 31st December, 1890, was 43,012 proof gallons. That was at Charlottetown. The figures were for the year and a half prior to the Scott Act being repealed. The quantity entered for consumption since the repeal of the Act and up to the 30th June, 1892, was 43,370 gallons. The sale was practically free during the last mentioned period. He could not account for increase under free sale being so slight, "except that the people are beginning to see, or at all events a great many who are in the habit of drinking are beginning to see, that excessive drinking is to their injury." He thought that there were not four out of every ten supporters of the Scott Act who had not drank while the Scott Act was in operation under some excuse or other. (Q. 16782.) He had no idea what quantity of liquor, the duty upon which had been paid elsewhere, was brought in, but he believed that there was a very large quantity brought in duty-paid, from Halifax, St. John, and also from Montreal. The quantity so brought in, if it could be ascertained, should be added to the quantity shown in his statement in order to get at the total consumption. He thought that they had a very good Act now, if it was made a little stricter, and was enforced with all the strictness with which it was possible to enforce it. Under the present circumstances it would be better than the Scott Act. Those who thirsted after liquor could go and get it, while those who thirsted for liquor when the Scott Act was enforced had to "act as sneaks" in order to get it. Now they did not divest themselves of their manhood if they wanted a drink, for they could go and get it, but previously they would sneak in through a back door. The closing of the houses at six o'clock on Saturday night was an excellent arrangement. "Anyone," he remarked, "who has been residing in Charlottetown for a length of time, as I have, and who has seen the conduct of the men who drank under the Scott Act and under the License Act, must say that this is a most excellent Act. I have noticed, since this Act came into operation, that a den in Charlottetown, which I believe is one of the worst places in the province, or even in the Dominion, and which during the time the Scott Act was in force was a complete pandemonium, has been very much improved. That den, I believe, is owned by a reverend gentleman, who has allowed his sub-tenants to go to the devil while he himself has gone somewhere else to make converts to the gospel. I have been taking notice of the behaviour of these unfortunate people during the last month, and their conduct is admirable. (Q. 16793.) I cannot tell you about those who frequent the place. There is peace and quietness and apparent sobriety, and the people appear to be more decent, and seem to be more inclined to be industrious. (Q. 16796.) Prohibition is the law we want and require, but we are not prepared for complete prohibition. If the temperance lecturers are active, and if the indus-

trious and temperate people work hard, perhaps in the course of ten years the people may be more ripe for prohibition than they are to-day. Prohibition in this province, from its unusual position, would be very hard to carry out. There would be smuggling, there would be illicit stills, and to carry out prohibition it would be almost necessary to have the co-operation of other places; that is to say, if prohibition existed in other places this province could not get its supplies from any other country, but so long as it can get its supplies from any other country a prohibitory law would be evaded and broken, just as the Scott Act was." He did not think the Scott Act was effective in country places. The habit was to go into some place and purchase a bottle, and then the persons would drink all of the bottle and get into a state of intoxication before they started homeward. He thought the fines for drunkenness were too small—they should be increased 100 per cent. The character of the liquor sold in the "dives and places" was "villainous," and in proof of this he cited the case of a man whom he personally knew, a man who did not drink to excess, who was deprived of his mental powers and temporarily paralyzed by some of the stuff he had taken in one of these places.

Mr. Michael P. Hogan, of Charlottetown, lumber dealer, thought the Scott Act was enforced as far as it was possible to enforce it, but it was not well enforced, because one-half of the community did not back it up. He thought the majorities in favour of the Act were reduced on each occasion; that some of those who voted for its introduction the first, and its re-introduction the second time, voted against it the third time. He regarded the last vote as an honest expression of the people of Charlottetown against the Scott Act. He stated that men had been induced to vote for the Act by giving them liquor. (Q. 16841–42). He would not favour re-enactment of the Scott Act, because he believed it had a great tendency to perjury. He believed that some of those who voted for the Act were in the habit of taking liquor. He was in favour of a stringent license law, and did not approve of the present system of free sale under regulation. He supported the Scott Act when it was first submitted, but did not support it now, because he found it made enemies of neighbours socially, and he had known of considerable perjury. (Q. 16879). He saw as much drinking in the town during the time of the Scott Act as there was previous to it. There was no doubt the conditions had changed. Seventeen years ago there was a large amount of shipping in the port, and trade was pretty good. The young men of the town had plenty of money. This was just after the building of the railway, and there was a large amount of employment offered. "Money," he said, was plentiful and liquor cheap. Liquor was manufactured on the Island at that time, and there was a great deal more drinking then from those causes." He did not think that the people had the money with which to get liquor to the same extent now as previously. From what he had seen at one or two places in the United States, he thought the high license system worked satisfactorily; but he had not had much experience. He had been a witness to liquor being used by Scott Act supporters to secure votes in favour of the Act. (Q. 16892–5).

Rev. W. W. Brewer, Methodist clergyman, of Charlottetown, considered that the operation of the Scott Act in Charlottetown was beneficial. During a residence in the city of twelve months, during the period the Scott Act was in force, he had observed that when the Act was not enforced, it was owing to local causes, and, perhaps, to some extent to the apathy of some temperance people. He did not know of more than one place in which liquor was reported as being sold in the district in which he laboured, namely, the upper end of the city. He and others had been especially engaged in a work amongst working men, the object of which was to promote social purity and temperance, and they had a membership at one time of 480. "About 150 during the winter and early spring months took the pledge and kept it; that is to say, 75 per cent of those who took the pledge kept it." These were men who were not in the habit of attending church regularly. He thought 75 per cent of them did not attend any place of worship. The work was carried on on undenominational lines. The Methodist church had no official connection whatever with the movement. He found that drink was altogether responsible for the reckless and uncared-for condition of these people. This was not during the Scott

Act period. He referred to the place which had been mentioned by the Collector of Customs, which he said had been a menace to all Christian work and morals in the City,and said that there had been quite an improvement during the last few months (prior to August, 1892), which he attributed to the action of the police, backed up by active christian effort. He had observed the working of the Scott Act in Fredericton and the operation of the license law there. He considered there was an improvement all around the city in the Scott Act period. He was also familiar with Marysville, and it was greatly improved under the Scott Act. He preferred the present system of regulating the liquor traffic in Charlottetown to a license system. He said his church had pronounced against license in any form, and as a minister of that church he took that position. If he had his choice, he would prefer prohibition to the Scott Act, the Scott Act to license and free sale, but free sale over license. Though in favour of prohibition, and his church did not use fermented wines, he would allow the importation of them for other religious bodies. He desired liberty for himself, and would accord it to others. His idea of prohibition was a law which would prohibit the importation of intoxicants for beverage purposes. He would not go any further under any consideration.

The Rev. Alexander Macaulay, a Roman Catholic priest, who had been a priest about 2½ years, and a resident of Charlottetown for about ten years, said the Scott Act had not had the effect of stopping the use of liquor. He thought it was not enforced in Charlottetown at all, and that it was not enforced because at least a majority of the people considered it an irrational law, that restricted their natural rights, and consequently they could not be educated up to the point of supporting a law which they considered restricted those rights. The law fostered perjury to a great extent, and also deceit and some other abuses of the worst kind, such as immorality. The trade went into the hands of low people, who had no moral responsibility. The sale of liquor was removed from the public part of the house into the back part, and in those places many other abuses crept in besides drunkenness. "I think the habitual violation of one law will lead people to violate others as well. Their conscience becomes more lax when they habitually violate a law, so that they will not observe other laws, at least so well." Temperance societies did a great deal of good before the adoption of the Scott Act. A great temperance wave had just passed over the island, and was one of the principal causes of the adoption of the Act at the time. "I know myself" said the rev. gentleman, "that in the parish where I was born, there were perhaps six or seven liquor stores in it, and the pastor who had charge of the parish interested himself in the temperance societies, with the result of doing away with all the liquor stores that were in the place. For a couple of years between that time and the adoption of the Scott Act there was no rum, but some years after the adoption of the Scott Act two parties went there and sold on the sly. Where the sentiment of the people is not in touch with the law, the law cannot be enforced * * * * The Divine law looks upon drunkenness as the sin of the drunkard, not of the drink, as the abuse of one of God's gifts. If the people can be educated up to the point, if moral suasion can educate them to such a degree as to voluntarily adopt such a law as that or to impose it on themselves, that is all right; the more temperance we have the better." He did not believe that prohibition could be efficiently enforced. He thought the effect of the Scott Act, so far as the character of those engaged in the liquor trade in the city of Charlottetown was concerned, was mainly to drive the trade into the hands of many disreputable persons. There were many persons who would not pay a license. When there was free rum, which it practically was under the Scott Act, such persons got into the trade.

S. W. Crabbe, of Charlottetown, was a member of the council and a License Commissioner under the old law. He had no personal knowledge of cases of violation of the license law, but believes that there was selling on Sunday and after hours. "I think," he said, "the Scott Act did good. It was poorly enforced at times, and well enforced at others. The enforcement depended on whether the city council was for or against the Act * * * * The Act was repealed on account of votes being left off the list at the time of revision. The Liberal party

had a number of votes left off which were for the Act. This I believe was the cause of the Act being defeated. The vote does not show there was a great revolution in public opinion." He preferred the present system of free sale under police regulations to a license law.

When recalled he said that, on looking over the records, he found that the first prosecution made by Mr. Hudson, who was appointed prosecutor by the city council, was on the 16th April, 1887. During that year and all of the year 1888 he held office, but was dismissed in February, 1889. He said the arrests ran up in 1889 to 395, as compared with 262 for the year previous. Then in 1890 the ladies took the matter in hand, and brought the number down to 239.

Thomas Morris, of Charlottetown Royalty, had been in business as a partner in a brewery for about 40 years. He was also engaged in the liquor business. He sold wholesale during the Scott Act times. "The Scott Act did not affect the business much," he observed, "but we had to be more careful to whom we sold. We sold as much beer during Scott Act times as we do now. A quantity of beer comes here from other provinces." He did not think that the sales of other liquors increased after the Scott Act was defeated. He was a member of the city council for eighteen years. He sold to any one he thought proper; would violate any tyrannical law, and did not think a prohibitory law could be enforced. "We changed," he remarked, "the character of our beer to avoid the law; perhaps it is a little stronger now; we called it hop beer."

The Hon. James Ross, of Mount Stewart, said the Scott Act had been in force at Mount Stewart ten or twelve years. When the prosecutor was spurred on he did his duty. It had worked well for the past six months. License law, prior to the Scott Act, did not work well. There was ship-building there at that time, and quite a lot of drinking. He thought that the Scott Act had had a beneficial effect on business all round, also morally. He believed total prohibition would be a benefit, and could be enforced as well as the Scott Act. He preferred the present free sale under police regulation to a license system.

Mr. Ewan McDougall, of Charlottetown, liquor dealer, had been engaged in business for about twenty years, all the time in Charlottetown, with the exception of a few months. The Scott Act did not put a stop to the drinking of intoxicating liquors. "I stopped the sale of liquors," he said, "when the Scott Act came into force; but I found my customers wanted the class of liquor I sold, and I opened up again." He sold liquor in connection with groceries. He closed his store altogether, and stopped the sale of groceries, as well as the sale of liquor; was importuned to open again, and did so. He had sold more liquor since the repeal of the Scott Act, but made more money when the Scott Act was in force, as the profits were greater. Under the license law there was sharp competition, and the profits were small. Under the license law, in the eastern half of Charlottetown, there were only three places under license where liquor was sold in the street in which he lived, which was a great church street. That was when licenses were granted by the license commissioners. Things were not so well done when the licenses were granted by the mayor and council. The license commissioners placed the trade on a better system. After the license law was abandoned and the Scott Act came into force there were ten places in one block in the eastern half of the city where liquor could be bought. There was as much drinking during the period of the Scott Act as there had been since its repeal. The reason why his business had increased was that his premises opened on the street, while during the Scott Act time his place was not open to the street and business was done in a round-about way. The liquors did not come in his own name, duty was paid on them principally in Halifax. They came to the shipper's order, with an endorsed bill of lading, and so no person knew to whom they came. He thought that the only proper way to regulate the sale of liquor was to place it in the hands of good people, who would respect themselves at least. He thought that high license would have that effect, if it limited the number of licenses and placed the trade in the hands of respectable people. He thought that by the pulpit, the temperance lecturer, and the school, the education of the people would proceed, and the drink traffic would regulate itself. He acknowledged that

he had violated the law, and said: "When you know that the law is not upheld by public sentiment, when the very best classes of the community ask you to violate it, and will offer you money as inducement to break a law, you must come to the conclusion that the law is an iniquitous one." (17612). He was convicted once for selling under the Scott Act, that is, once during the nine or ten years the Act was in force. He believed total prohibition impracticable.

The Rev. James Simpson gave evidence in regard to the Gothenburg system. He had visited Sweden in 1885, and found the system worked exceedingly well, and that it reduced the amount of drunkenness. He said it had been pointed out in evidence that, during the year there was "free rum" in Charlottetown there were 304 convictions, compared with 239 for the previous year, but it had not been brought out that in that year (1891) there had been six elections.

Mr. Alexander McKinnon had carried on business as an iron founder for twenty years in Charlottetown. The Scott Act was sometimes vigorously and sometimes indifferently enforced. When it was enforced vigorously, he thought there was very little drunkenness. He never made a record of the time which workmen lost through over-indulging in drink. He kept clear of workmen who were in the habit of getting drunk on Saturday night and Sunday, as they were not fit for work on Monday. The habits of the men had changed; but he did not know whether to attribute it to the Scott Act or not. (Q. 17,244). The Scott Act might have helped, also religious influences; at any rate, the views of many had changed with respect to drinking. (Q17,246).) He believed a general prohibitory law would have a good effect, if it were well enforced. He preferred the free sale under police regulation to license. He would prefer to have 78 or 80 places selling liquor, and no control over them by legislation, rather than half the number licensed. He thought that a prohibitory law could be as easily enforced as the Scott Act.

Mr. John Quirk, baker, of Charlottetown, had been on the City License Board from 1870 to 1873. He preferred total abstainers as workmen. He had not noticed that the drinking of liquor had affected the bread trade; never took much notice of that. When the Scott Act first went into operation the people were afraid to buy liquor, or at all events to do so openly. They were bound to have it, but they did not seek it as much as they did when the license law was in force. He thought the Scott Act had done good. He thought that there was not as much public drunkenness, though he was of opinion that there was as much drinking. He thought the present system of free sale under police regulation better than the Scott Act; the Scott Act better than license; and the present system better than both. (Q. 17294–5). The present law seemed to work very well. There were some things about the Scott Act that he did not like. "Among other things, it was educating the people to be perjurers right straight through." He thought that local officers would enforce the Scott Act better than Provincial or Dominion officers. (Q. 17305). He thought the present system favored temperance more than the Scott Act did.

The Mayor of the place stated that they had a Stipendiary Magistrate appointed by the Local Government, whose salary was paid by the people of the town. He might say that liquor was sold openly in violation of the law (Q. 17352–3–4); but that there was less liquor sold now than formerly, and that a drunken man was rarely seen on the streets. He thought the Scott Act was entitled to some credit for this, but the conditions had greatly changed during the last twenty or twenty-five years. He thought there were, perhaps, half a dozen places known to the police where liquor was sold. The people were arrested and fined occasionally. He did not know the number of times they had been fined, but he should think five or six times in a year; $50 was generally the fine for a first offence, and $100 for a second. He thought no attempt had been made to bring them up during the past year. The previous year there was an inspector appointed by the town council. This year, 1892, there was no inspector; the police had to look after the business. There were two policemen and one of them was considered to be the inspector to look after the enforcement of the Scott Act. Judging from the good order of the town, he supposed the people were satisfied with the manner in which the law was enforced; though offenders, when arrested, were treated in the matter of fines

as having only committed a first offence. (Q. 17385). The fines received were, for the year ended 31st January, 1892, $600. He produced some figures of arrests for drunkenness. A statement of these will be found in Appendix 27, vol. 1. He thought the Scott Act had restricted the consumption of liquor. As an elector he would vote for a general prohibitory law; but he doubted if it could be more successfully carried out than the Scott Act. He thought the Scott Act was fairly enforced, except in a few small towns. People travelled now more by railway, and there was less business for wayside inns. The convictions for violations of the Scott Act, he said, were:—

| | | | |
|---|---|---|---|
| 1880 | 5 | 1887 | 14 |
| 1881 | 6 | 1888 | 12 |
| 1882 | 20 | 1889 | 17 |
| 1883 | 7 | 1890 | 25 |
| 1884 | 17 | 1891 | 17 |
| 1885 | 19 | 1892 | 9 to August. |
| 1886 | 12 | | |

He was sure there was less drunkenness in Summerside now than formerly, but whether it should be attributed to the Scott Act or not, he could not say. (Q. 17483.) He said that, comparing the condition of the town under the old license law with its conditions under the Scott Act during the last ten years, he thought there was very little difference in the social condition of the community. He thought the Scott Act might be so enforced as to make it next to impossible for a man to continue in the business of selling liquor; but he thought the community would be indifferent about it. (Q. 17501–5.) He thought that prohibition, if it could be enforced, was desirable, but that there would be difficulty in getting the people to fall in with the law. He would leave it for two years, but he believed that the majority of the people were in favour of the Scott Act. He thought a general prohibitory law would be more difficult to enforce than the Scott Act. (Q. 17531.)

The licensed vendor for the sale of liquors under the Scott Act for the County of Prince was examined before the Commission. He said he paid duty in Summerside on the greater part of the liquors he sold. There was some which came from St. John and Halifax, and a little from Montreal, the duty on which was paid. He got some liquor from Glasgow, on which the customs duties were paid in Summerside. His sales for 1891 he supposed would amount to $8,000. He stated that he had not made any return to the Dominion Government, as provided by law, of his sales. He had no registry of his sales. The orders were strung on fyles, and he thought they were probably 5,000 in two years. Some orders were written on scraps of paper, and were evidently parts of a larger order covered by some former certificate of a medical practitioner. Some of these orders were for "eight bottles of brandy," "eight bottles of spirits for medical use," "gallon of whiskey for medical use," "ten gallons ale for medical use." "three quarts of spirits." The sales were for the whole County of Prince (population 36,470). There were some consumed in the town, but the greater quantity went to the country. There were places selling in town, selling illicitly, which interfered with his business, and the authorities knew it as well as he did. If it was not for their selling, he would do a much larger business. The vendor stated that it occurred to him sometimes that the liquor orders were for beverage purposes, but it did not occur to him that he was violating the law in selling for beverage purposes. (Q. 17763.) The appointment was in the gift of the Provincial Government. He belonged, at the time of his appointment to the office of licensed vendor, to the Order of Good Templars, and a division of the Sons of Temperance. He did not belong to them now. He was partly recommended by them and partly by others for the position.

The stipendiary magistrate, who was appointed to his office in 1885, handed in a statement of the convictions, which corresponded with the figures given by the mayor. He stated that in 1885 all the convictions were for first offences; in 1886 all first offences; in 1887 one second offence; in 1888 all first offences; in 1889 all first offences; in 1890 sixteen first offences, five second offence and four third

offences; in 1891 fifteen cases. He thought that the figures for 1890 and 1891 were not quite correct. For the current year, 1892, there were eight first offences and one second. When the Scott Act first came into force in the county there were a good many small places selling. He thought at the present time most of them had gone out of business. The sellers in the county were, he thought, pretty nearly limited to the villages of Tignish and Alberton. He did not think the Scott Act was an honest and straightforward law, because, morally speaking, the buyer must be equally guilty with the seller; but the law said such is not the case, and he did not think that was in harmony with the moral sentiment of the people. "If the people," he said, "are not ready for the law adjusted in this way, and made fair and square, they are not ready for anything. In so far as regards legislation respecting temperance or any other subject, the law should do right, because it has often been said that those who sell are engaged in a not strictly moral business. If there is anything in that contention, they should not be surrounded with temptation. I did not consider the Act carefully until it became my duty to pronounce judgment in cases brought before me under it. I have found that sometimes witnesses have induced parties to sell liquor for the purpose of securing conviction against them. That, however, occurs very seldom now. Speaking from recollection of the cases coming before me, those for petty larceny, for example, are not due to liquor; and I cannot say outside of the convictions for drunkenness, that liquor is an element in the criminal calendar. The only cases flowing from drunkenness that I can recollect just now are a case or two of assault. One case of grievous assault was the result of being drunk. The party is now in jail, and serving his term. It was an assault on a police officer. (Q. 17896.) The general view is that the Act has given rise to perjury; but I do not think that that is invariably the case. Of course there may be some men who are rather defective in regard to morals, but beyond that I do not think I am prepared to go." He thought that there was far less drinking done than formerly; that the temperance sentiment was growing, and that the temperance organizations were promoting temperance. He said that in the practical working of the Act he found the imposition of fines for the first offence was, perhaps, more effective than imprisonment for a third offence. Charges for a first or second offence could be proven more readily, and convictions were more easily obtained. He thought the Scott Act was class legislation, and that the state had no right to pass class legislation. He did not think there was any law so openly violated in Summerside as the Scott Act.

The Collector of Customs for Summerside supplied information as to the importations of liquor. He thought the condition of the town had much improved since the old license system was in force, and he attributed some of the improvement to the prohibition provided for in the Scott Act, which he thought had, in spite of violations, a beneficial effect. He did not know about places selling illicitly in the town, but it was common report that there were several.

The following is a statement of the importations of liquor:—

| Year. | Gallons Imported. | Gallons entered for Consumption. |
|---|---|---|
| 1878 | *1857 | —— |
| 1879 | 228 | 384 |
| 1880 | 76 | 232 |
| 1881 | 276 | 246 |
| 1882 | 574 | 348 |
| 1883 | 411 | 553 |
| 1888 | 934 | 932 |
| 1890 | 589 | 296 |
| 1891 | 1795 | 1351½ |

There had been a steady increase in the quantity imported. There were some still in bond. He had not had time to take out the quantities imported between 1883 and 1888 separately. At one time the importers might buy more liquor, duty paid in Halifax, for instance, than at other periods. He did not think it would be

*This year June to 31st December.

more difficult to prevent smuggling under a prohibitory law than it was now. He thought the feeling of Prince Edward Island was in favour of a general prohibitory measure.

The Sheriff of Prince County, who had held the office for twelve years, stated that he thought there were about six persons in the county jail at the present time. Sometimes there were as many as twelve. Sometimes the rooms were entirely empty. The principal offences for which prisoners were committed were breaches of the Temperance Act and drunkenness. He thought, perhaps, that all amendments to the Scott Act which would be of any service had already been made. He thought that the punishment of purchasers, as well as sellers, of liquor would be just and have a wholesome effect. He thought the Scott Act had been beneficial to the community, both in Summerside and throughout the county, but more so in the country parts. He thought there were half a dozen places selling liquor illicitly in Summerside. He believed a prohibitory law was desirable, and that it could be more easily enforced than the Scott Act, and that the liquor trade as it flourished under the license law had an injurious effect upon the business community. He also thought that a prohibitory law could be enforced, and that the country was ripe for it.

The Hon. Benjamin Rogers, of Alberton, merchant, and a member of the Legislative Council of the Province, thought the Scott Act was well observed in the rural districts. He thought that in Alberton, since the adoption of the Scott Act, there had been a very great change in the condition of the town for the better, and he attributed it largely to the Scott Act. He thought that the moral and religious influences without the Scott Act would not have brought about an improvement to the same extent. He preferred the Scott Act to a license law, and considered that a general prohibitory law would be preferable to the Scott Act, in that it would be better enforced, or, at any rate, it could be more easily enforced than the Scott Act, for the Scott Act was a very difficult law to carry out. He thought that from business principles, and outside of moral considerations, prohibition of the liquor traffic would be beneficial to the community. He did not think that high license would have the effect of restraining the trade, as there would be illicit selling, even if there were high license. He said: "I do not like free trade in liquors, nor do I like a license. I think that if liquor has to be sold, it is better being sold illegally than legally, for this reason, that the responsibility for wrong doing would rest on one party's shoulders, while under the license, it would rest on the whole community. Besides, the business would be more disreputable when it was not protected by the sanction of the law, and a great many people who would go to a tavern to drink, if the tavern were legally established, would not go into places that were selling contrary to the law." (Q. 18334). He thought that the feeling in the country outside of the town was almost entirely in favor of prohibition, but that the feeling in the town was, perhaps, rather different, and he did not know that he could give a reason for it. Asked, "Supposing the case of Charlottetown were the case of Alberton, where you reside, would you rather that there should be a limited number of places selling under license, to free liquor with police regulations." "I would rather," he replied, have free liquor. I think the principle of license applied to the sale of liquor is altogether out of place. (Q. 18380). I do not think the guilt of the purchaser at all equals the guilt of the vendor. The bulk of the people who buy do so to satisfy their depraved appetites, and they do it almost as a matter of necessity at the time; and, therefore, we should be willing to adopt almost any expedient to get rid of the liquor. The sellers deliberately carry on the traffic." (Q. 18387).

Mr. David Rogers, M. P. P., of Summerside, stated that he was altogether opposed to the principle of license. He thought that free sale under regulation, as in Charlottetown, was the next best thing to prohibition, and that the Scott Act was fairly well enforced, but that it was a difficult thing to enforce it. He did not think there was any difficulty in purchasing liquor in Summerside, and remarked: "It appears to me it would not make much difference how strictly the law was enforced, for there would still be no difficulty in getting liquor." (Q. 18446). He was in

favour of a general prohibitory law, and did not think a Provincial prohibitory law "would be worth a cent."

The Rev. John A. McDonald, Roman Catholic Priest in charge of the church at Miscouche and Wellington, who has resided in the district three years, considered the Scott Act well observed. There was no sale of liquor in his parish. When the Scott Act was brought into force in the district there were temperance societies in operation, and the people were temperate. He considered moral suasion to be the chief element in promoting temperance, and that legislation was desirable to back up moral suasion and restrict the sale. He did not consider that Divine law forbade the moderate use of wine. He thought that the reason why the Scott Act was not well enforced in Summerside was that public sentiment was to a large extent opposed to it. He had had very little knowledge of the working of the License Law, but thought that a local option act could be enforced as easily as the Scott Act, and, of course, the authorities would refuse to grant licenses where there was a strong public sentiment opposed to their issue. (Q. 18470). He thought the people were better educated and saw the evils of intemperance, and that they would now enforce more strictly a license law than it was enforced when in existence in the past. He thought that drunkenness had decreased a good deal in the country places, and he attributed this, to a great extent, to moral teaching and moral suasion. He thought that the having of a law on the statute-book which was flagrantly and regularly violated, had a bad effect on the morals of the people. A great many persons were in favour of having a law on the statute-book to prevent the sale of liquor; but he did not know whether they favoured the Scott Act or some other restrictive law. Personally he did not favour the passage of a general prohibitory law. He said: "I should not consider that it was just towards those persons who differ from me in opinion, moderate drinkers, to advocate such a measure. (Q. 18489–93). I think it would not be just to those persons who use it in moderation. I think it would be an unjust interference with them. I would have the trade so restricted that no abuse would flow from it, and then if the minority wished to have liquor in moderation they could do so." (Q. 18499).

Mr. John F. Gillis, Doctor of Medicine at Summerside, who had been in practice there for fourteen years, said he thought the Scott Act was as fairly and well enforced in Summerside as it could be. He considered it would be better if the traffic was controlled by the Dominion Government, instead of by local authorities. He did not think the Scott Act had curtailed the sale of liquor in Summerside at all. There were other factors influencing the matter. Formerly there were vessels built in Summerside, and a large floating population would be paid off at times, who would spend money in drink. That element had all been removed; but he did not think there was any difficulty in obtaining liquor in Summerside. He was not in favour of a general prohibitory law, as he did not think the people would observe it. He thought they would be very apt, if such a law were put in force, to resort to drinks probably more injurious than alcohol. (Q. 18530). He thought the sale of patent medicines had increased, and that the large consumption resulted from the alcohol which they contained. Perhaps those who bought patent medicines did not know what they contained, but they sowed the seed and gave the appetite for drink. He said he would not think it extraordinary if a doctor gave an order for eight pints of liquor. If the person desiring liquor lived in Summerside, he, the doctor, would order a bottle. He did not consider that the moderate drinker, who took his liquor well diluted, had any less chance of recovery from illness than a total abstainer, nor were the children of moderate drinkers more liable to brain and nervous diseases than others. He did not think that the majority of the people of the whole Dominion were in favour of total prohibition of the liquor traffic. He said that some of the country people manufactured a kind of liquor from blueberries and spirits, and called it "shrub," and that they occasionally used it as a medicine.

Mr. Edwin S. Blanchard, M.D., Superintendent for the Hospital for the Insane, Charlottetown, stated that they had about 140 patients in the asylum, of which he had been the superintendent for eighteen years. The number was divided about equally between males and females. He had kept statistics of the causes producing

lunacy, but would not declare them to be in any way exact. He thought a very small percentage of the cases were due to drunkenness, not more than 5 per cent, if so much. He had no doubt that there were quite a number of cases caused indirectly by drink, more, perhaps, than were caused directly. The number of patients in the hospital had increased, owing to the increased hospital accommodation. A change in drinking habits would have no perceptible effect upon the number; he did not think it would have any effect one way or the other. He thought that children of drinkers were very subject to nervous diseases in different forms. He thought the drinking habits of parents had a predisposing effect to nervous diseases in their children, and to insanity to a very great extent (Q. 15918). He thought that liquors sold by druggists on the orders of medical men were much superior to those sold at other places. He had not observed any decrease in the cases of drunkenness on the streets during the period the Scott Act was in force in Charlottetown. He thought he had noticed a slight increase since the Act was abolished. He thought that during the summer of 1892 especially, there had been a good deal more drunkenness than previously. Asked if he attributed that to free sale, he answered yes, but that it was virtually free sale during the Scott Act. He said he would prefer a rigid license law to either the Scott Act or the present plan of restriction by police surveillance. He thought a prohibitory law would be very difficult to enforce, and probably more difficult in the Island of Prince Edward than in any other province, as it would be next to impossible to prevent smuggling all along the coast. True prohibition would be of immense value. He considered wine useful in certain diseases, and alcohol more so. He was of opinion that the moderate use of wine after a man reached a certain age was beneficial, and he did not think that two or three glasses of beer or wine would injure any ordinarily strong man at all.

A statement of the quantity of liquor entered for consumption in the province will be found at page 31 of this Report. There is no export of liquor from the Island.

The entries for consumption undoubtedly represent a smaller quantity than the actual consumption. It is certain that there would be a disposition to send liquor into the Province duty paid during the period when the Scott Act was in force, inasmuch as importations would be more difficult to trace, and they might be sent in under other designations, if they had not to pass through the Custom House. Under free sale, the tendency would be to send the shipments in bond and pay duties and remove the consignments as they were sold to customers for retail.

Upon this subject the following evidence was given:—

Mr. James Currie, of Charlottetown, Collector of Customs, in answer to the question (Q. 16789, vol. 1). "Do you know whether, after the Scott Act became the law, there were larger quantities of liquor brought in by express or in small packages for private domestic consumption and office consumption and so on? That is, liquor purchased at Halifax and St. John on which duty had been collected there, purchased from the wholesale dealer? Have you any means of knowing that?" says:—"I have no idea of what quantity was brought in in that way. I have no idea, I say, of the quantity; but I believe there was a very large quantity brought in duty paid from Halifax and St. John, and I think also from Montreal."

Mr. Ewan McDougall, of Charlottetown, liquor dealer, stated (p. 888, vol. 1), "My importations were done in a curious fashion. The liquors did not come in in my own name, but duty was paid on them principally in Halifax, and they came to me to the shipper's order, with an endorsed bill of lading, and so no person knew to whom they came. * * * Very little duty was paid on it here. It was the same with the Inland Revenue goods; they came in duty paid. * * * The returns at Halifax would show the entries and they would be credited there."

The Scott Act was put in force in Prince and King's Counties and in the city of Charlottetown in 1879. In Queen's County it was adopted by vote on the 22nd September, 1880. In 1879, therefore, it was in force over the greater portion of the Province, and in 1881, in force over the whole Island. It continued in force down to 1891, when it was repealed in the city of Charlottetown. Last year (1894) it was again voted upon in the city, and was carried by a small majority. From 1881,

therefore, to 1891, there was in force over the whole of the Province such prohibition as the Scott Act provided. From 1891 to 1894, there was free sale in the city of Charlottetown, the largest city on the Island.

The Provincial Legislature declined to give power to the city to issue licenses after the repeal of the Scott Act, but passed a law which was put in force in 1892 placing the traffic under very stringent police regulations.

It is doubtless the case that there have been very considerable changes in the population of such places as Charlottetown and Summerside, where in former years a considerable business was done in ship-building, which has now been wholly abandoned.

The following figures show the quantity of liquor entered for consumption :—

| | Average Consumption per Head of Population. | | |
|---|---|---|---|
| | Spirits. | Beer. | Wine. |
| | gali. | gall. | gall. |
| For the 5 years ended 1880 | ·598 | ·688 | ·042 |
| " 5 " 1885 | ·435 | ·273 | ·017 |
| " 5 " 1890 | ·319 | ·415 | ·012 |
| " 3 " 1893 | ·257 | ·361 | ·013 |

These figures indicate that there has been a reduction in the consumption from the average of the first period of five years. They also indicate that, except in the matter of wine, the average consumption of the last three years, with Charlottetown under practically free sale, was smaller than the average consumption for the five years immediately preceding. Wine was very slightly higher.

The statistics of the convictions for offences will be found at page 65 of this report.

The average number of convictions for all offences, for drunkenness, and for offences against the liquor laws was :—

| | Ratio per 1,000 of population. | | |
|---|---|---|---|
| | All offences. | Drunkenness. | Offences against the liquor laws. |
| For the 5 years ended 1885 | 5.13 | 2.43 | 0.62 |
| " 5 " 1890 | 4.86 | 2.81 | 0.70 |
| " 5 " 1893 | 4.55 | 2.57 | 0.61 |

Appendix No. 21 gives the arrests in the city of Charlottetown for all offences and the arrests for drunkenness from 1880 to 1893, inclusive. The arrests for drunkenness in 1893, when the city had free trade in liquor, were much below the average and, in fact, the lowest on the return, with the exception of those for 1881. The following are the figures for each five yearly period :—

| | Ratio per 1,000 of population. | |
|---|---|---|
| | All offences. | Drunkenness. |
| For the 5 years ended 1884 | 34.78 | 20.08 |
| " 5 " 1889 | 33.07 | 24.16 |
| " 3 " 1893 | 26.68 | 22.06 |

Appendix No. 11 gives the number of the insane remaining in the Provincial Asylum at the end of each year from 1877. The average for the four years ended 1880 was 0·80 per 1,000 of the population. This ratio steadily increased until, in 1892 it was 1·25 per 1,000 of the population.

The census returns give the following statistics of the insane of the province: In 1881, 351, which was equal to 3·22 per thousand of the population; in 1891, 333, which was equal to 3·00 per thousand of the population.

Appendix No. 3 gives the population of the common jails of the province from 1880. It will be found that the number of committals was in 1880, 3·18; in 1881, 2·25; in 1890, 1·79; in 1891, 2·46; in 1892, 1·73; and in 1893, 1·47 per thousand of the population. For the four years ended 1870, the ratio of committals to the common jails was 3·22, and for the ten years ended 1880, 4·51 per 1,000 of the population The number remaining at the close of 1881 was 0·25; 1891, 0·22; 1892, 0·22; and 1893, 0·16 per thousand of the population.

The average number of the poor remaining in the Poor's Asylum for 1869–70 was 0·31 per 1·000 of the population. For the ten years ended 1880 it was 0·39 per 1,000 and for the ten years ended 890, it was 0·42 per 1,000, and for the two years 1891 and 1892 the average was 0·42 per 1,000.

The following figures were supplied to the commission by Mr. Fitzgerald, the stipendiary magistrate of Charlottetown. They were prepared in order to show if any change in the convictions for offences had followed the adoption of free trade in liquor, but the period covered is probably too short to admit of any general deduction being made with safety.

Convictions in the City of Charlottetown, P. E. I.

| | 1<br>July '87 to July '88 | 2<br>July '88 to July '89 | 3<br>July '89 to July '90 | 4<br>July '91 to July '92 | 5<br>July '92 to July '93 |
|---|---|---|---|---|---|
| All offences | 32 | 44 | 66 | *159 | 50 |
| Drunkenness | 208 | 257 | 284 | 319 | 186 |
| Breach of liquor law | 92 | 30 | 28 | ..... | 22 |
| Totals | 332 | 331 | 378 | 478 | 258 |

* Includes breaches of liquor law.
1, 2, 3, Scott Act periods.
4, Free sale.
5, Sale under police regulation.

The stipendiary magistrate in transmitting the foregoing opinions, remarks:

"I am of opinion that under the present system as regards drunkenness in the city, it is much less than it was during the free rum period—that is the year we had no law; but as compared with the years we were under the Canada Temperance Act, it is of about the same volume, slightly smaller, if anything. There is this, however, to be said, that under the present Regulation Act, the law is being observed, not grossly violated and brought into disrepute as it was under the Scott Act. Our drunkenness to-day is I think largely confined to the town rough and chronic inebriate. There is, I regret to say however, a larger amouns of drunkenness noticeable among country people on their way home from town than in Scott Act times. They unfortunately too often fill up and then drive on home."

The following figures of the convictions for drunkenness in the city of Charlottetown for six months following the readoption of the Scott Act have been supplied since the foregoing was written. Alongside of them are placed the figures for the corresponding months of 1893. These statistics go to show that the reduction in the

number of convictions for the year ending July, 1893, continued in an increasing ratio during the six months following:

| | 1893. | 1894. |
|---|---|---|
| August | 20 | 6 |
| September | 43 | 16 |
| October | 18 | 11 |
| November | 22 | 10 |
| December | 11 | 8 |
| January | 5 | 4 |
| Total | 119 | 55 |

Appendix No. 65 contains a brief statement of temperance organizations, and efforts made, to promote abstinence.

Appendix No. 66 contains information which has been supplied to the Commission by the Assistant Provincial Secretary of Prince Edward Island in respect to expenditure incurred for gaols, lunatic asylums, and the support of the poor. A portion of this expenditure is recouped in the province.

The preceding statements show a reduction in the quantity of liquor entered for consumption, but it is highly probably that the returns do not correctly represent the total consumption of the province.

The criminal statistics do not show any marked change in the number of convictions for drunkenness and for offences against the liquor laws.

There has been an increase in the number of insane on the Island, as there has been in every other province in the Dominion.

The population remaining in the jails of the province at the close of the year has not materially changed since the adoption of the Scott Act. The Commissioners have not been able to obtain a full return of those remaining in jail for the years prior to 1881.

The number of the poor remaining in the poor asylum has not decreased during the period that the Scott Act was in force in the province.

Taking the average convictions for drunkeness for the ten years ended 1890, Prince Edward Island has a higher ratio than either Nova Scotia or Quebec. For the year 1891, the ratio in the province is above that for the entire Dominion, and is higher than in Ontario and Nova Scotia, and is practically the same as that of Quebec. In 1892, the ratio was higher than that of the whole of the Dominion, and higher than the ratios of Nova Scotia, Ontario and Quebec. In 1893 when Charlottetown had free sale under police regulation, the ratio of convictions for drunkenness in the Island was lower than it had been for any period from 1881, and was lower than the ratio of any of the other provinces, with the exception of Ontario and Nova Scotia.

Taking the convictions for all offences for the same periods, the ratio per 1,000 of the population in Prince Edward Island was lower than the ratio of any of the other provinces, with the exception of Nova Scotia up to the year 1893, when the convictions in Nova Scotia largely increased, and the ratio was higher than that of Prince Edward Island.

After what has been stated, it is almost unnecessary to point out that drunkenness has not been extinguished in Prince Edward Island; that, taking the lowest estimate of the consumption of liquor, it far exceeds what could properly be required for medicinal, mechanical and sacramental purposes; that brewing has been carried on, and a large quantity of liquor made and sold during the time that the Scott Act was in force, and that there has been no pretence that liquor was being shipped to places where the Act was not in force, either within the boundaries of the Island or elsewhere; that the licensed vendors, at any rate in one case, have flagrantly and openly violated the law, and have not made the returns of their sales, as prescribed by the law; and that the effect of the law has not been calculated to elevate the public mind and increase respect for law and authority generally.

## PROVINCE OF QUEBEC.

In Appendix No. 67, will be found a memorandum of the existing liquor laws of the province, and in appendix No. 48 a statement of the license fees which are now and have been imposed from time to time since 1876. From the latter it will be seen that the fees have been largely increased at various times. There are some few cases where cities have been authorized in their charters to charge exceptional fees.

An inn, comprising those establishments also called hotels and taverns, is a house of public entertainment, where intoxicating liquors are sold; and houses of entertainment are described as being houses or places of public resort, established for the reception of travellers and of the public, where, in consideration of payment food and lodging are habitually furnished.

A restaurant is an establishment where, in consideration of payment, food (without lodging) is habitually provided, and where intoxicating liquors are sold.

A liquor shop is any store or shop where intoxicating liquors are sold, without food and lodging being provided. They are divided into wholesale and retail shops. A wholesale liquor shop is that wherein are sold at any one time intoxicating liquors in quantities not less than two gallons, imperial measure, or one dozen bottles of not less than one pint. A retail liquor shop is a place wherein are sold, at any one time, intoxicating liquors in quantities not less than one pint, imperial measure.

A special license for the sale of intoxicating liquors at large gatherings, such as picnics, etc., may be granted by the Provincial Treasurer, upon an Order in Council for that purpose, to societies, clubs and corporations, having control of the same, or to the person recommended by them, at such rates and on such conditions, and for such time, as may be determined by the said Order in Council. "No intoxicating liquors shall, however, be sold or given away by any person whomsoever in village or rural municipalities, at any auction sale, ploughing match, exhibition or political meeting, nor during municipal or school elections, excepting beer and wines to be used at the table for meals, under a penalty not exceeding $50 and an imprisonment not exceeding one month in default of payment." (Art. 857*a*.)

The cities of Montreal and Quebec are authorized to make a charge for the issuing of certificates, on which the provincial officers grant licenses to sell, of $8 for each certificate. In other districts the councils are authorized to make a charge for the granting of certificates, etc., to an extent not exceeding $20 for each license. The restriction does not limit any powers given to such municipalities by their charter or Act of incorporation. (Art. 845.)

A charge of one dollar is payable to the Collector of Provincial Revenue for the granting of each license, in addition to the established license fees (Art. 878), and the law provides that, "it shall not be lawful for any municipal council of a city, town, village or other local municipal authority to levy, by by-law, resolution or otherwise, any license, tax, impost, or duty, exceeding in any one year $200 in cities and towns, and $50 in other municipalities, upon holders of licenses under this law, either for the confirmation of a certificate to obtain a license, or otherwise, for the occupations for which they hold such licenses. (Quebec License Law, Art. 927*b*.)

Security has to be given for good behaviour and for the payment of any fines imposed upon, or damages awarded against the holder of any license. (Art. 846.)

A small force of provincial police is kept in the Montreal district, and it is charged with the duty of preventing breaches of the Liquor License Law, that is, selling without a license, selling in prohibited hours, to minors, etc. It is aided by the city police force.

The law prescribes the accommodation to be provided by tavern keepers; prohibits the sale to minors or interdicted persons; imposes liability for damages resulting from the sale to intoxicated persons, or from the selling in quantities to cause intoxication.

It also contains a clause under which municipalities can determine not to issue licenses for the sale of liquors within their boundaries. It is as follows:—

"Whenever a municipal by-law shall have been passed, and confirmed, as by law required, prohibiting the sale of intoxicating liquors within the limits of its jurisdiction, and a copy of such by-law has been transmitted to the Collector of the Provincial Revenue entitled to the same, the Collector of Provincial Revenue is forbidden to issue any of the licenses hereinbefore mentioned for the sale of such liquors, excepting steamboat bar licenses, and licenses of railway buffets, such license not being affected by the present restriction." (860.) Notwithstanding the quashing, by judgment of a Court of Justice, of such a by-law. the Collector of the Provincial Revenue shall not grant any such licenses within two months from the rendering of such judgment, unless such judgment is final." (860.)

In each municipal district adopting the foregoing clause, one person may be licensed to sell liquors for medicinal, etc., purposes on the certificate of a physician, for a patient under his immediate charge, or by a clergyman, only for a person whose spiritual adviser he is, in quantities of not more than three half-pints, imperial measure; the vendor has to keep accounts and make reports of the persons to whom, and of the persons on whose certificates, he sells, which certificates have to accompany his report to the Collector of Provincial Revenue for his district.

In the city of Montreal a board, composed of the Recorder and two Judges of the Sessions of the Peace or any two of them, decide what licenses shall be issued. In Quebec the Judge of the Sessions of the Peace or the Recorder, and in the cities of Hull and Three Rivers, the Registrar of the county, the Recorder of the city, and the Clerk of the Circuit Court, or one of them, if there are more than one, are the Commissioners for granting licenses. In other municipal districts the application for a license has to be approved by the council and certified by the mayor and secretary before the license is issued.

The law originally provided that applications for licenses should be signed by one-quarter of the resident municipal electors, or a majority of the resident municipal electors, if they are less than fifty, of the parish, township, village, town or ward of the city within which is situated the house for which such license is applied for, to the effect that the applicant is known to the signers, is honest, and of good repute, qualified to keep a house, and that the house is needed.

The Legislature (52 Vic. cap. 14, sec. 15), declared that the clause requiring a larger number of signatures should remain suspended until put in force by proclamation of the Lieutenant-Governor, and that the number of signatures required in the meantime for the granting of a certificate for an inn license should be 25 municipal electors, and for a license of retail spirituous liquors in shops, three municipal electors.

No license can be issued in the cities of Montreal and Quebec if an absolute majority of the municipal voters residing, or having their places of business within the municipal polling district of the ward shall signify their opposition in writing to the granting of such license.

The statistics of liquors entered for consumption on which duties were paid in the Province of Quebec, given at page 38, show the following ratios *per capita* of the population:—

| Year. | Spirits. | Malt Liquors. | Wines. |
|---|---|---|---|
| | Galls. | Galls. | Galls. |
| Average 1871-1875 | 1·439 | 2·252 | ·387 |
| " 1876-1880 | 1·045 | 1·818 | ·233 |
| " 1881-1885 | 1·262 | 1·960 | ·270 |
| " 1886-1890 | 1·048 | 2·605 | ·241 |
| " 1891 | ·945 | 2·895 | ·252 |
| " 1892 | ·869 | 2·690 | ·229 |
| " 1893 | ·960 | 2·534 | ·222 |

As there are large importations of liquor through the port of Montreal, it is highly probable that the consumption of liquor in the province is less than these statistics show. In the matter of foreign spirits, and more especially wines, there is, no doubt, a considerable shipment from the province after duty has been paid. To the extent that such shipments are made in excess of importations into the province from other provinces, the figures quoted would be increased beyond the actual quantities consumed by the population. The population of the province possibly consume a larger quantity of imported light wines *per capita* than the population of the other provinces. The conditions, however, have probably not been materially altered during the period covered by the returns, and therefore the comparison of the entries in one period with another should fairly represent the changes which have taken place.

The Assistant Treasurer, writing by direction of the Honourable Treasurer of the Province, who has on all occasions evinced the most earnest desire to supply the Commission with information and to assist them in carrying on their investigation, on the 14th April, 1892, said:—"The Treasurer spoke to me yesterday about returns that you want. Mr. Brosnan is at work in connection with the receipts of the municipalities from licenses. *I may say, however, that we have no returns from municipalities of what they may receive from licenses, nor have we any returns from them of what they may expend on jails or the poor.*"

A return prepared in the Department of the Provincial Treasurer shows the revenue derived from fees for licenses issued and fines imposed, and the number of such licenses, to have been as follows:—

STATEMENT of Amounts Received in the Province of Quebec from the Granting of Licenses for the Sale of Liquors, and for Fines Imposed.

| Fiscal Year. | No. of Liquor Licenses of all Kinds. | Provincial Government Receipts for Licenses. | Amount of Fines Collected by Provincial Government. | Total. | Salaries, Expenses and Commission. | Net Receipts. | Remarks. |
|---|---|---|---|---|---|---|---|
| | | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | |
| 1867-68 | 1,886 | 66,108 08 | 2,845 44 | 68,953 52 | 10,992 99 | 57,960 53 | The figures given in the fifth column represent the cost of collection, not only of liquor licenses, but of all licenses taken out under the Quebec License Law, and are inclusive of all law costs and fees in unsuccessful prosecutions, and in cases where payment could not be had from the defendants. |
| 1868-69 | 1,958 | 70,397 86 | 3,732 09 | 74,129 95 | 10,730 63 | 63,399 32 | |
| 1869-70 | 2,169 | 78,224 37 | 3,330 74 | 81,555 11 | 10,465 08 | 71,090 03 | |
| 1870-71 | 2,222 | 84,886 90 | 2,992 54 | 87,879 44 | 11,394 96 | 76,484 48 | |
| 1871-72 | 2,433 | 93,961 25 | 4,103 51 | 98,064 76 | 12,151 74 | 85,913 02 | |
| 1872-73 | 2,673 | 101,358 00 | 3,801 03 | 105,159 03 | 12,831 12 | 92,327 91 | |
| 1873-74 | 2,608 | 119,599 00 | 4,876 62 | 124,475 62 | 13,424 50 | 111,051 12 | |
| 1874-75 | 2,734 | 153,513 00 | 9,387 46 | 162,900 46 | 16,798 97 | 146,101 49 | |
| 1875-76 | 2,440 | 186,382 00 | 8,940 17 | 195,322 17 | 17,664 50 | 177,657 67 | |
| 1876-77 | 2,260 | 191,845 00 | 5,285 49 | 197,130 49 | 17,074 29 | 180,056 20 | |
| 1877-78 | 2,025 | 175,530 00 | 7,968 06 | 183,498 06 | 16,730 39 | 166,767 67 | |
| 1878-79 | 2,100 | 181,702 46 | 8,995 62 | 190,698 08 | 17,957 17 | 172,740 91 | |
| 1879-80 | 2,237 | 157,741 50 | 9,870 24 | 167,611 74 | 20,526 76 | 147,084 98 | |
| 1880-81 | 2,344 | 216,600 50 | 10,887 27 | 227,487 77 | 19,075 30 | 208,412 47 | |
| 1881-82 | 2,420 | 228,990 50 | 14,040 51 | 243,031 01 | 19,244 78 | 223,786 23 | The cost of collection of liquor licenses is not stated separately in the public accounts from which this statement is drawn up; but, in point of fact, the expenses of collection of other licenses is less than one-eighth of the total amount of expenses given in the statement. |
| 1882-83 | 2,622 | 244,107 50 | 16,846 42 | 260,953 92 | 21,114 22 | 239,839 70 | |
| 1883-84 | 2,465 | 235,091 50 | 10,731 06 | 245,822 56 | 18,715 79 | 227,106 77 | |
| 1884-85 | 2,497 | 238,386 25 | 8,976 52 | 247,362 77 | 18,897 32 | 228,465 45 | |
| 1885-86 | 2,582 | 257,559 44 | 15,051 77 | 272,611 21 | 18,955 02 | 253,656 19 | |
| 1886-87 | 2,851 | 305,094 00 | 9,917 75 | 315,011 75 | 20,519 46 | 294,492 29 | |
| 1887-88 | 2,888 | 319,547 17 | 13,613 35 | 333,160 52 | 26,982 16 | 306,178 36 | |
| 1888-89 | 2,813 | 383,590 04 | 16,787 54 | 400,377 58 | 38,323 64 | 362,053 94 | |
| 1889-90 | 2,761 | 387,669 84 | 13,484 48 | 401,154 32 | 38,259 98 | 362,894 34 | |
| 1890-91 | 2,453 | 536,882 08 | 15,435 57 | 552,317 65 | 45,133 42 | 507,184 23 | |
| 1891-92 | 2,462 | 582,237 08 | 15,687 31 | 597,924 39 | 48,690 67 | 549,233 72 | |
| 1892-93 | 2,567 | 596,009 78 | 17,114,52 | 613,124 30 | 41,979 04 | 571,145 26 | |

In the fiscal year 1867-8, the number of licenses issued was 1,886; in 1892-3, the number was 2,567, showing an increase of 36 per cent. The receipts from licenses and fines in the meantime increased from $69,000 to $613,000, or 88·7 per cent.

The population of the province, was, in 1871, 1,191,516; in 1893, it was estimated to be 1,515,870, and the increase was therefore 324,354, or 27.22 per cent.

The number of licenses issued reached the highest point in 1887-8, when the receipts were $333,000. In 1892 3, the number of licenses had fallen from what they were in 1887-8, 321, or 11 per cent, and the receipts had risen to $613,000, or an increase of 85 per cent.

In the year 1887 an increase of $10 per license was made to the tariff of fees. In 1888 a further increase of 25 per cent of the fees chargeable in 1887 was made. In 1890 an increase on the fees of 1888 was made, varying from 50 to 100 per cent. In 1892 additions were again made to the fees for sale under municipal prohibitory by-laws, for vendors under the Canada Temperance Act, both wholesale and retail, and some new licenses, were added to the previous lists, for dining cars, sample and commission licenses, etc. (See Appendix No. 48.)

Following the large increase made in the fees in 1890 there was a falling off in 1890-1 of 308 in the number of licenses issued, compared with those granted in 1889-90.

The fees for vendors under the Canada Temperance Act have been as under:

RETAIL.

| Year. | Cities. | Towns. | Villages. | Other Organized Territory. | Unorganized Territory. |
|---|---|---|---|---|---|
| | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. |
| 1886 | 70 00 | 50 00 | 25 00 | ..... | ..... |
| 1888 | 87 50 | 62 50 | 31 25 | ..... | ..... |
| 1890 | 130 00 | 90 00 | 50 00 | ..... | ..... |
| 1892 | 200 00 | 160 00 | 125 00 | ..... | 50 00 |

WHOLESALE.

| | | | | | |
|---|---|---|---|---|---|
| 1886 | 80 00 | 70 00 | 60 00 | ..... | ..... |
| 1888 | 100 00 | 87 50 | 75 00 | ..... | ..... |
| 1890 | 150 00 | 130 00 | 115 00 | ..... | ..... |
| 1892 | 225 00 | 200 00 | 160 00 | ..... | ..... |

The fees imposed on vendors for medicinal and religious purposes in municipalities where prohibitory by-laws are in force have been as follows:

| Year. | Cities. | Towns. | Villages. | Other Organized Territory. | Unorganized Territory. |
|---|---|---|---|---|---|
| | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. |
| 1880 | 20 00 | 10 00 | 2 00 | 1 00 | ..... |
| 1888 | 75 00 | 50 00 | 25 00 | 20 00 | ..... |
| 1890 | 120 00 | 75 00 | 40 00 | 30 00 | ..... |
| 1892 | 200 00 | 160 00 | 125 00 | 125 00 | 70 00 |

Mr. Brosnan, Comptroller of Provincial Revenue, in his evidence, quoted from a report made by himself to the Honorable Treasurer on the subject of the local option by-laws.

The following are portions of that report, made on the 17th June, 1892 :—

"I have the honour to report that the working of articles 861 to 865 of the "Revised Statutes respecting the sale of liquor under certificate in municipalities "where a prohibitory by-law is in force, is very unsatisfactory. A much larger "quantity of liquor is sold than can be needed for medicinal purposes; the certi- "ficates, which are granted in profusion, are, for the most part, disgraceful scraps "of paper, indicative of the carelessness and indifference of those who deliver them, "and I am assured that forgeries are not infrequent. But the point to which I "desire more particularly to call attention for the moment is that of the number of "certificates granted, irrespective of all other considerations, and I shall lay before "you a few typical instances, which will serve to show what is generally done "throughout the province. During the month of January, 1889, the following "liquor was sold in the parish of———— 279 bottles of whisky, 217 bottles of "gin, 28 bottles of brandy, 11 bottles of wine, 6 pints of whisky, 1 pint of beer and "½ pint of brandy.

"In presence of the above facts, I confess, as I have already stated to you ver- "bally, that I have no confidence in the certificate system, nor in that of prohibitory "by-laws in general, and I would gladly see it done away with, and regular "licenses issued in every municipality. This change however, cannot be hoped for "at present: but, as the low price of these medicinal licenses is one of the induce- "ments to their being applied for, as such large quantities of liquor are sold under "them, and it seems next to impossible to reach the signer of the certificates, I "would suggest that the rate of duties payable on such licenses (and what I now "say applies equally to licenses issued under the Canada Temperance Act) be raised "to the same figure as that fixed by the law for retail shop licenses, viz :—In cities, "two hundred dollars; in incorporated towns, one hundred and sixty dollars; in "organized territory, one hundred and twenty-five dollars; in unorganized territory, "seventy dollars."

With regard to the forged certificates and other matters referred to in in Mr. Brosnan's report, this question was put to him :—

"Have you reason to believe that a similar condition of things exists generally where local option is enforced?" To which he replied, "so everybody tells me. There are some parishes where the condition of things is better, but it depends a good deal upon local opinion, and a great deal, of course, on the ecclesiastical authorities of the parish and the physicians."

The following information in regard to the certificates for liquor issued in some districts was obtained :—

| — | Number of Certificates Issued. | Issued by Clergymen. | Issued by Medical Practitioners. |
|---|---|---|---|
| In one parish † : | | | |
| In January, 1892 | 548 | 304 | 244 |
| February, 1892 | 784 | 87 | 697 |
| March, 1892 | 795 | 148 | 647 |
| In another village municipality : | | | |
| In February, 1892 | 281 | 52 | 229 |
| March 1892 | 250 | 51 | 199 |
| In another village municipality : | | | |
| In February, 1892 | 136 | 84 | 52 |
| March, 1892 | 90 | 61 | 29 |
| In another municipality : | | | |
| In February, 1892 | 213<br>150* | 101 | 112 |
| March, 1892 | 179<br>92* | 80 | 99 |

The certificates marked thus * are considered to have been forged.

†NOTE.—The population was estimated about 900. (Q. 20343).

With municipal local option by-laws administered as described their existence cannot safely be taken as indicative of a strong feeling in favor of prohibition of the traffic in the municipalities where they exist.

The Scott Act is in force in two counties in this province, viz., Brome, population 14,709; Chicoutimi and Saguenay,* population 28,726. The Dunkin Act is in force in Richmond, population 16,329.

The Scott Act was in force in Arthabaska from 1884 to 1888, when it was repealed; in Drummond from 1885 to 1892, when it was repealed. It was voted upon and rejected in Argenteuil in 1885, Compton in 1884, Megantic in 1879, Pontiac in 1886, Stanstead in 1880, and Missisquoi in 1885.

The vendors licensed to sell for medicinal, etc., purposes are appointed by the provincial government on the recommendation of the municipal councils. There are eleven licensed vendors under the Canada Temperance Act.

Mr. Alfred Brosnan stated that there were 27 authorized vendors in municipalities which had adopted by-laws prohibiting the sale of liquor for beverage purposes. They were located : two in the district of Arthabaska, six in the district of Beauce, one in the district of Kamouraska, four in the district of Matane, one in the district of Montmagny, two in the district of Quebec, one in the district of Richelieu, four in the district of Rimouski, two in the district of Saguenay, two in the district of St. Francis, one in the district of Temiscouata, and one in the district of Three Rivers. A vendor sells on certificates sent in from other districts than that for which he is appointed, and one vendor may therefore sell to the inhabitants of four or five parishes.

The advance in the license fees made in 1892 appears to have led to a reduction in the number of these licensed vendors, as for the year 1893 only 9 licenses are said to have been issued.

Mr. Brosnan in his evidence stated that there were about 900 municipalities, and of these there were 210 in which a prohibitory by-law was in force.

A return which had to be prepared from information obtained out of the ordinary course, and is probably not wholly accurate, either as regards the places which have adopted local option laws, or the population of the districts in which they are in force, but which the Commissioners believe approximately represents the situation as regards local option laws in the province, shows the following:

| | Number. | Population. |
|---|---|---|
| Parishes and villages in which local option laws exist. | 163 | 221,593 |
| Parishes and villages in which local option laws are not in force, but in which certificates for licenses are not issued..... | 132 | 116,827 |
| Parishes and villages which have repealed local option laws previously adopted..... ..... | 78 | 101,799 |

In some of the last-mentioned licenses are not issued although the by-laws have been repealed.

Mr. Brosnan said that there were many parishes in which no licensed vendor was appointed. In answer to the question as to how the districts were provided with liquor for medicinal purposes where there was no licensed vendor, he stated.—"If the people need it, they go to the next village and get it. That very often happens. There is sometimes an understanding between villages. For example, a parish priest at one village says they do not need a license there, and the same statement is made by the priest in the next parish, but at the third parish it is decided to have a licensed place, and when the people in any of these three parishes are sick, they run there and get liquor, and on this account it is considered useless to have a depot in every village. This is what I referred to when I said a moment ago that one licensee may sell for more than one parish." He further stated that the certificates sent in to the collector of a revenue district could not be taken as

* NOTE.—Since the above was written the Act has been repealed in Chicoutimi and Saguenay.

representing the liquor sold to the population in the municipality in which the licensed vendor was resident. "Those 548 certificates (which he had previously referred to), which appear as issued in only one parish, might," he said, "represent several parishes. At the same time, what made me use that as a basis for argument was the fact that I happen to know that the doctors who signed those certificates resided in that parish, and that, under the law, a physician can only issue certificates to patients under his immediate care." (Q. 20367.) He also stated that the population of the parish referred to was about 900. (Q. 20343); that 288 of the certificates were issued by the parish priest, 204 by one physician, 40 by another physician and 16 by the vicar. (Q. 20342.) In Chicoutimi, in the month of May, 1892, 232 pints, and in the month of July, 1892, 252 pints were sold by the vendor of one parish. (Q. 20381.) Licensed vendors should make returns to the collectors of provincial revenue for the districts in which they reside, and the certificates handed in to them should be forwarded to the collector, along with a complete statement of the sales.

Mr Brosnan explained that no general return had been laid before the Provincial parliament of the sales through licensed vendors; that they had never been called for, and that the Provincial government only called for returns from the collectors on special occasions. He had recently called for some returns for districts under the Scott Act, and also for districts under municipal prohibitory laws. He added that the government intended to have returns made regularly of the certificates issued, and also to have the certificates honored by the various licensed vendors sent in with the returns. He further added that there were a number of instances where the parish councils refuse to grant licenses. He thought there were about 121 parishes in which no licenses were issued. In a number of these parishes they were not issued because they were not asked for; but he had been informed that there were parishes in which applications for licenses had been made, and refused by the councils. (Q. 20378). It was probable that in many parishes where the population was small, the amount having to be paid for licenses deterred parties from applying for them.

The evidence tends to show that the places licensed partake of the character of ordinary liquor shops, and that in very few cases is either the spirit or the letter of the law strictly observed.

The population of the counties in whith the Canada Temperance Act is in force, the one county in which the Dunkin Act is in force, the municipalities in which prohibitory by-laws have been enacted, and the municipalities in which no licenses are issued, is:

| | |
|---|---|
| Canada Temperance Act counties | 43,435 |
| Dunkin Act county | 16,329 |
| Prohibitory by-law municipalities | 221,593 |
| Municipalities not issuing licenses | 116,827* |

Mr. Brosnan expresssed the opinion that, in the interests of temperance, the power ought to be taken away from the municipalities to grant licenses. He said: "They have a singular idea as to the exercise of that right. I received the following answer to the question as to whether a license should be granted. 'Yes, on condition that the gentleman gives a small present to the council.'" Asked what his opinion was as to the results of the application of the Scott Act, he replied; "I have heard for the first time the following words spoken by a deputy, 'We hear complaints everywhere, not because the law is bad, but because public opinion is not on a level with the law.'"

Of the total number of licenses reported in the year 1889–90 namely, 2,761, there were issued in the city of Montreal, 1,146, and in the district of Montreal, outside of the city, 338, making for the collector's district, 1,484 licenses, or more than one-half of all the licenses issued in the province.

*Deducting Chicoutimi where the Act Scott has been repealed, the population is now 14,709.

The figures from 1890 to 1893 were:—

| | Total for the province. | Montreal city. | Montreal city and district. |
|---|---|---|---|
| 1889–90 | 2,761 | 1,146 | 1,484 |
| 1890–91 | 2,453 | 1,138 | 1,478 |
| 1891–92 | 2,462 | 978 | 1,267 |
| 1892–93 | 2,567 | 962 | 1,256 |

The dates for which the licenses in the city of Montreal and in the city and district of Montreal are given vary somewhat from the dates covered by the provincial returns; but that does not materially alter the results, which really show that one-half of the whole of the licenses issued for the vending of intoxicants in the province are issued in the district of Montreal.

The large reduction shown to have taken place in the number of licences issued in the city of Montreal was mainly in shop licenses, which, in 1889-90, were 569, and in 1892-93, 460. There was also a reduction in the number of hotel licenses from 213 to 147. In the district outside of Montreal, hotel licenses were reduced from 195 to 180, and shop licenses from 143 to 111.

The number of licenses issued in 1892-93, throughout the whole province, gives one license for every 581 of the population. In Montreal they are one to every 234 of the population of the city. In the city of Toronto the licenses of all kinds issued are equal to about one to every 860 of the population, and in the province of Ontario, Toronto included, one to every 616 of the population. If the population and the number of licenses issued in the city of Montreal, are deducted from the total population and the total number of licenses issued in the province of Quebec, the ratio of licenses to the remainder of the population is one to every 796 of the population.

Various statements were made before the Commissioners in regard to the manner in which the license law is enforced in the city of Montreal, and the number of places where sales are illicitly made.

The Collector of Provincial Revenue stated that there were probably 2,000, or even 4,000, places in the city where illegal selling was carried on. This witness stated that the law was as well enforced as it could be with the means at his disposal. The provincial Revenue Police force was under his direction. Six men were employed, and assistance was obtained from the city police, but he depended principally upon informers to detect illicit vendors, and those breaking the law. He handed to the Commission a statement showing the prosecutions for infractions of the Quebec License Law which had been instituted in the district. They were as follows:—1889, about 340; 1890, about 3,970; 1891, about 2,118; 1892, about 212 and in 1893, 312. These prosecutions were for selling on Sundays, selling to minors, selling by glass in retail liquor shops, and gambling. The major part of the prosecutions, it was stated, fell under the first and second classifications. Witness stated that more prosecutions were not entered upon because of the difficulty in obtaining convictions, and that places licensed as groceries were running as drinking shops, but the difficulty was in many cases to prove the sale. He thought a larger police force would not secure more convictions, and that the only chance of securing proof in such cases was by the employment of private detectives and informers. He thought that about one-fourth of the licensees violated the law, and that the law in the city of Montreal was very imperfectly enforced. He further stated that in the district of Montreal, there were sixty-five municipalities, of which nineteen did not issue licenses.

Other witnesses gave evidence on the subject of the number of places where liquor was sold illegally in the city.

The Chief of the Provincial Revenue Police stated he was sure there were not from 2,000 to 4,000 unlicensed places in Montreal—that, at the outside, there were not more than 300 to 400 places. He had authority to engage more men to assist his force when he found it necessary. He considered that there were too many licensed places in Montreal. He could give no reason why the ratio of licenses to the population should be so much greater in Montreal than in Toronto.

The Chief of the City Police, questioned in regard to the places where liquor was sold illicitly, stated: "I am certainly of opinion directly the contrary of Mr.

Lambe's statement. I do not believe there are 300 places in Montreal where liquor is sold without a license. (Q. 28795.) That is my opinion, and I am ready to swear to it. (Q. 28796.)"

The Inspector of Food for the Province of Quebec said that there was a large illicit sale in Montreal, probably 2,000 places selling without a license. He considered that there was a decided decrease in intemperance, largely due to the efforts of the temperance workers and the clergy.

The Inspector of Inland Revenue for the district of Montreal said, with reference to the statement that there were 2,000 or 4,000 places in which liquor was sold illicitly: "I believe that perhaps there are a thousand, there are at all events hundreds, because prosecutions are taken out every week, and almost every day, against parties for selling liquor without a license." He did not believe, he said, that there were from 2,000 to 4,000 places. (Q. 25198–200.)

The chief officer of the detective force of the city, examined on the subject, said: "The Collector of Provincial Revenue has a right to know, but I would not say that there are 2,000 or 4,000 unlicensed places selling liquor in Montreal. First and foremost, 4,000 houses is a large number, for each of those places must be a dwelling house, and you would scatter 4,000 of these through the city. I know there are some people carrying on little shops that sell liquor, and those may be numbered among them. I would not say that there are 2,000." (Q. 26788.)

The Hon. Senator Thibaudeau, High Sheriff, questioned on the subject of the places selling illicitly, stated that he had no particular means of knowing how many of such places there might be, but added: "I do not think there is anything like that number—*i.e.*, between 2,000 and 4,000."

In the session of the Provincial Parliament, 1893-4, some amendments to the license law were passed, and amongst them, the following:—

"In the city of Montreal, for the year beginning first of May, 1894, the number of hotels and restaurants licensed shall be limited to a maximum of 440, and for the year beginning on the first of May, 1895, to a maximum of 400, and that number shall not be exceeded in any year thereafter." (Q. 843a.) Provision was also made that "any licensee in the city of Montreal or Quebec, of good repute, who has had a license, and who has complied with the law during the preceding twelve months, and has not been convicted of any infringement thereof, may, on making a declaratio to that effect under oath, obtain a renewal of his license without being obliged secure any certificate from the electors of the district in which his place is situated."

There does not seem to be any necessity, nor any local demand for such a large number of retail liquor shops and restaurants as exist in the city of Montreal. The reduction of each class to a number not in excess of the number of hotels now licensed, would, in the opinion of this Commission, be attended with beneficial results.

A statement of the number of arrests made by the police for a series of years, and the ratio of these to the population will be found in Appendix No. 19.

A very large number of these arrests result from offences against the city by-laws.

The Chief of the City Police, Col. Arthur St. George Hughes, gave evidence before the Commission, and explained the manner in which these statistics were compiled.

In the matter of arrests for drunkenness, enquiry showed that there was some divergence between the classification of offences in the reports of the police, and the classification made in the Recorder's Court, in which court all cases of drunkenness are tried. The Recorder of the city makes an annual report to the council of all cases dealt with in his court. The following is a statement of the plaints for drunkenness taken from these reports from 1887 to 1892: 1887, 3,741 ; 1888, 3,089 ; 1889, 3091 ; 1890, 3,432 ; 1891, 3,694 ; 1892, 3,095.

Every reasonable effort has been made to obtain correct information as to the the amount received by the various municipalities for the granting of certificates, but only a comparatively small number of returns—probably from not more than one-third of those issuing certificates—have been received. The Provincial Government was so good as to send forms to be filled up, and addressed the various municipal authorities by circular on the subject.

The following is a summary of the amounts shown to have been received, for certificates and fines, in the returns sent in. Many of these returns are, however, obviously imperfect.

PARTIAL statement of the number of certificates for the obtaining of licenses to sell Liquor granted, and the amount received therefrom, by Municipalities, in the Province of Quebec.

| YEAR. | MONTREAL. | | QUEBEC. | | OTHER PLACES. | | TOTAL. | |
|---|---|---|---|---|---|---|---|---|
| | Certificates. | Amount. | Certificates. | Amount. | Certificates. | Amount. | Certificates. | Amount. |
| | | $ cts. | | $ cts. | | $ cts. | | $ cts. |
| 1880 | ..... | 6,448 00 | ..... | ..... | 301 | 6,813 00 | 301 | 13,261 00 |
| 1881 | ..... | 5,856 00 | ..... | ..... | 312 | 9,700 00 | 312 | 15,556 00 |
| 1882 | ..... | 6,232 00 | ..... | ..... | 324 | 9,683 00 | 324 | 15,915 00 |
| 1883 | ..... | 6,632 00 | ..... | ..... | 305 | 12,320 00 | 305 | 18,952 00 |
| 1884 | ..... | 6,576 00 | ..... | ..... | 274 | 12,983 00 | 274 | 19,559 00 |
| 1885 | 848 | 6,784 00 | ..... | ..... | 314 | 13,432 00 | 1,162 | 20,216 00 |
| 1886 | 970 | 7,760 00 | ..... | ..... | 371 | 17,175 00 | 1,341 | 24,935 00 |
| 1887 | 1,062 | 8,496 00 | ..... | ..... | 354 | 18,904 00 | 1,416 | 27,400 00 |
| 1888 | 1,123 | 8,984 00 | ..... | ..... | 372 | 21,326 00 | 1,495 | 30,310 00 |
| 1889 | 1,092 | 8,736 00 | ..... | ..... | 386 | 21,934 00 | 1,478 | 30,670 00 |
| 1890 | 1,089 | 8,712 00 | ..... | ..... | 395 | 27,159 00 | 1,484 | 35,871 00 |
| 1891 | 942 | 7,536 00 | ..... | ..... | 384 | 14,428 00 | 1,326 | 21,964 00 |
| 1892 | 931 | 7,448 00 | ..... | ..... | ..... | ..... | ..... | ..... |

NOTE.—1. No returns have been obtained from Quebec. The following is a copy of a telegram from the Mayor of that city:

"Cannot supply information asked by Sir Joseph Hickson. Certificates of all kinds are issued, but no distinction is made in our books between license certificates and others."

2. The returns from places other than Montreal are not complete. Many places have not made any returns, and some of those which have been sent are incorrect.

These returns contain the receipts of the city of Montreal for granting certificates, which are a large proportion of the whole amount stated. The remainder, leaving out Montreal, does not probably represent more than a comparatively small percentage of the total sum received by the other municipalities.

It may be mentioned that the fines collected in the Judicial District of Montreal for breaches of the Quebec License Act, were:—

| | |
|---|---|
| In 1890 | $15,760 |
| " 1891 | 18,860 |
| " 1892 | 21,040 |
| " 1893 | 23,236 |

The fines for all offences collected in the recorder's court, Montreal, and paid over to the city treasurer, have been as under:—

| Year. | Amount received. |
|---|---|
| 1880 | $ 8,296.94 |
| 1881 | 12,475.97 |
| 1882 | 15,654.96 |
| 1883 | 12,956.68 |
| 1884 | 12,615.33 |
| 1885 | 11,239.03 |
| 1886 | 18,148.82 |
| 1887 | 24 719.68 |
| 1888 | 25,259.49 |
| 1889 | 22,845.27 |
| 1890 | 27,019.59 |
| 1891 | 23,767.37 |
| 1892 | 21,695.89 |

The returns of convictions in the Province of Quebec (see page 62) for the earlier years covered by the statistics, were, in all probability, incorrect, and in later years they have been much fuller and more accurately compiled. The average ratio of the convictions for all offences in the province, per 1,000 of the population, for the five years ended 1885, was 4·79; for the five years ended 1890, 6·26, and for the three years ended 1893, 6·87. The highest ratio was reached in 1892, when the figure was 7·22 per 1,000 of the population. Since then there has been a reduction, and the ratio in 1893 was 6·43.

For drunkenness, the convictions were:

| | | | |
|---|---|---|---|
| Five years ended 1895 | 1·26 | per thousand of the population. | |
| " " " 1890 | 2·22 | " " | " |
| Three " " 1893 | 2·61 | " " | " |

The highest ratio was reached in 1891, when it was 2·82 per thousand. In 1893 it was 2·49 per thousand.

Convictions for breaches of municipal laws increased, as reported in the criminal statistics, from 1·98 per thousand in the first period, to 2·07 per thousand in the second, and 2·34 per thousand in the last.

According to the criminal statistics, the convictions in Montreal, under the Summary Trials Act, increased between 1887 and 1892 about 13½ %; the summary convictions about 36 %, and the total convictions about 34 %. The population in the meantime had increased about 17 %.

The following statement gives the number of prisoners admitted to the jails of the province from 1880 to 1892, and the number remaining therein at the end of each year from 1883 to 1893:—

| Year. | Population. | Number admitted. | Ratio per 1,000. | Number remaining at end of year. | Ratio per 1,000. |
|---|---|---|---|---|---|
| 1880 | 1,341,250 | 3,801 | 2·83 | ..... | ..... |
| 1881 | 1,359,027 | 3,340 | 2·45 | ..... | ..... |
| 1882 | 1,371,449 | 3,261 | 2·37 | ..... | ..... |
| 1883 | 1,383,985 | 3,044 | 2·19 | 505 | 0·36 |
| 1884 | 1,396,635 | 3,559 | 2·54 | 564 | 0·40 |
| 1885 | 1,409,400 | 3,397 | 2·41 | 493 | 0·35 |
| 1886 | 1,422,282 | 3,383 | 2·37 | 428 | 0·30 |
| 1887 | 1,435,282 | 3,483 | 2·42 | 557 | 0·39 |
| 1888 | 1,448,401 | 3,973 | 2·74 | 541 | 0·37 |
| 1889 | 1,461,639 | 4,683 | 3·20 | 572 | 0·39 |
| 1890 | 1,474,998 | 3,653 | 2·47 | 503 | 0·34 |
| 1891 | 1,488,535 | 4,175 | 2·80 | 567 | 0·38 |
| 1892 | 1,502,140 | 3,478 | 2·31 | 451 | 0·30 |
| 1893 | 1,515,870 | 3,626 | 2·39 | 451 | 0·30 |

It will be seen that the ratio of admissions slightly decreased, as did also the ratio of those remaining at the close of the year. A table giving the ratios of those remaining in the jails of the various provinces at the close of each year, and in the jails of the State of Maine, will be found in Appendix No. 70. The figures for Nova Scotia and New Brunswick are not complete, as the commissioners have found themselves unable to obtain full information. The figures for the other provinces are believed to be accurately stated.

It will be seen that the ratio to the population of those incarcerated at the close of each year compares favourably with other provinces and with Maine.

| 1892. | | | Per M. |
|---|---|---|---|
| Dec. | 31. | In Nova Scotia | 0·13 |
| " | 31. | Prince Edward Island | 0·22 |
| " | 31. | New Brunswick | 0·22 |
| " | 31. | Quebec | 0·30 |
| Sept. | 30 | Ontario | 0·38 |
| Dec. | 31. | Manitoba | 0·32 |
| " | 31. | British Columbia | 1·37 |
| Nov. | 30. | Maine | 0·60 |

If the total commitments to the jails for 1892 are taken, they will be found to stand as under:—

| | |
|---|---|
| Nova Scotia | 2·30 |
| Prince Edward Island | 1·73 |
| New Brunswick | 4·24 |
| Quebec | 2·31 |
| Ontario | 4·22 |
| Manitoba | 1·50 |
| British Columbia | 10·88 |

The returns for Nova Scotia and New Brunswick, as already remarked, are incomplete, but the information received indicates that the ratio of commitments in New Brunswick is much higher than it is in Quebec.

There has been published in the reports of the inspectors of prisons, for the Province of Quebec, a classification of the habits of the prisoners in the matter of the use of intoxicants. The following figures are extracted from these reports:—

| Year. | Temperate. | Intemperate. | Total. | Percentage of intemperate. |
|---|---|---|---|---|
| 1888 | 1,907 | 2,092 | 3,999 | 52·31 |
| 1889 | 2,214 | 1,746 | 3,960 | 44·09 |
| 1890 | 2,197 | 2,083 | 4,280 | 48·66 |
| 1891 | 2,392 | 1,785 | 4,177 | 42·73 |
| 1892 | 2,088 | 1,390 | 3,478 | 39·96 |

The following is a statement of the number of juveniles in reformatory institutions in the province:—

| Year. | Quebec. | | Ontario. | | Year. | *Maine. | |
|---|---|---|---|---|---|---|---|
| | No. | Ratio per M. | No. | Ratio per M. | | No. | Ratio per M. |
| 1881 | 415 | 0·305 | 377 | 0·195 | 1880 | 116 | 0·179 |
| 1891 | 631 | 0·423 | 306 | 0·145 | 1890 | 169 | 0·255 |
| 1892 | 569 | 0·378 | 278 | 0·130 | 1892 | 162 | 0·244 |

*NOTE.—The figures for Maine for 1880 and 1890 are taken from the U. S. census returns; those for 1892 from the State report.

There has been placed along side the figures for Quebec the statistics for the Province of Ontario and the State of Maine.

It is possible that the methods of treating juvenile criminals in the two provinces and the State of Maine differ in some respects, and that the statistics do not represent exactly the relative numbers of juvenile criminals in the three communities.

Quebec has more places to which juvenile offenders are sent than Ontario, at any rate, more than are distinctly so designated, and it is probable that the placing of juvenile criminals under the charge of the religious communities, as is done in most instances, has a tendency to increase the number committed to such institutions.

The inspector of reformatories for the province of Quebec, in response to inquiries, expressed the opinion that it was probable that juvenile offenders in Ontario were sent in a larger proportion to other institutions than those designated "reformatories." In Quebec there are, in addition to these reformatories, several industrial schools to which unprotected and destitute children are sent, and in which they are cared for mainly at the expense of the Government. It is probably the case that in Ontario this work is more generally undertaken by private institutions, supported to a large extent by private contributions.

The numbers of the insane cared for in the asylums of the province are given in appendix No. 12. The ratio of those remaining at the end of each year has increased from 1·13 in 1876 to 1·67 in 1893, per thousand of the population. The total of the insane population reported in the census returns of 1891 was 4,550, in 1871, 3,300. The population increased in the two decades 25 per cent, the insane 37·8 per cent. The ratio per 10,000 of the population in 1891 was 30.

The statement (Appendix No. 12) includes only inmates in respect of whom the Government of the province makes a payment to the owners of the asylums in which they are, and there should be added, to cover inmates in the same asylums who either pay themselves or are paid for by their friends or relatives, about 6 per cent, both as respects admissions and remaining residents. Of the inmates of private asylums which are not made use of by the provincial Government for the care of the insane, the commissioners have not obtained any returns.

The ratio of the insane per thousand to the population in this province, according to the census return, was slightly in excess of that of Ontario and New Brunswick, and precisely the same as in Prince Edward Island and Nova Scotia.

Dr. Burgess, the medical superintendent of the Protestant hospital for the insane at Verdun, Montreal, stated that out of 377 cases of patients admitted to the hospital from the time it was opened, 24 were attributed to drink, or, in other words, that drink was the exciting cause in 24 cases. He further stated that it was almost impossible to get a correct statement from friends of the patients when they were admitted to the hospital. At Verdun they were in the habit of classifying the patients, when they entered the hospital, as accurately as the circumstances would permit. They had practically no means of verifying the statements of the friends of patients. There were patients in the hospital ranging from 17 to 80 years of age. He stated that it was quite impossible to come to a definite conclusion in each case. The only way that could be done would be by employing experts to investigate each case, a course which was impracticable. He expressed the opinion that a smaller proportion of the cases arising out of drunkenness recovered than of the cases arising out of other causes. He thought that a larger percentage than 24 to 377 would be attributable to drink; but he would not say that the 24 formed only a small percentage of the cases to be attributed to it. He thought that the percentage in which drink was the predisposing cause was a great deal larger than in cases in which it was set down as the exciting cause. He had had 19 years' experience in connection with an asylum, and his own observation went to show that the effect of drink was more marked in the offspring than in the parents. He stated that he was not himself a total abstainer, but he thought that the world at large would be better off if there were no liquor in it. At the same time, in his own experience, he was not able to put his finger on a case where, the parents having been what he would call moderate drinkers, insanity from that cause sprung up in the children.

He thought the greater portion of the patients who sought admission to the hospital were from the agricultural population.

Arthur Vallée, M. D., Quebec, medical superintendent of the Beauport insane asylum, and inspector of Belmont retreat, said that the register kept of the history of cases was not always reliable. The Beauport institution belonged to private proprietors, to whom the provincial Government made a payment for each patient. Cases in which the insanity was caused by alcohol were placed in the Belmont Retreat. Very few were cured of intemperance, due, he believed, to the absence of a law compelling their residence in the institution for a certain period. If they remained sufficiently long, he thought 50 per cent would be permanently cured. A portion of the intimates in the Beauport insane asylum were there for intemperance, but the great majority were not drinkers. He did not consider that the moderate use of alcohol led to insanity; it was not a predisposing cause, but he did think that idiocy was often due to the intemperance of parents.

Several gentlemen who have taken a deep interest in the question of the prohibition of the liquor traffic, not resident in the province, were examined in Montreal, and much of their evidence will be found both instructive and interesting.

Altogether, there were examined 116 witnesses who may be classified as residents in the province. Of this number, 65 expressed the opinion that a prohibitory law could not be efficiently enforced; and the commissioners believe that not only would such a measure, if enacted, be found incapable of being properly carried out, but any attempt to force it upon the population of the province would probably lead to most determined opposition.

Much energetic work is being done in the province by temperance societies, and by the clergy of the various churches. The great majority of the people of the province belong to the Roman Catholic church, and the clergy of that body, as a general rule, look upon a general prohibitory law as undesirable and impracticable. A memorandum will be found, Appendix No. 71, showing what has been done by temperance organizations in this province for several years back. The weight of the evidence taken was to the effect that the offence of drunkenness has been decreasing of late years throughout the district; that there is much need for curtailment of the licensed places in the city of Montreal, for the separation of the sale of liquors from the sale of groceries and provisions in shops, and for more strict enforcement of the law, as well as for a more severe inspection of liquors sold. Two matters of importance will be found referred to in the evidence—which forms volume II, and of which an analytical summary is printed,—namely, the printing indiscriminately of labels for liquor which are used apparently almost as indiscriminately, and the sale of patent medicines, by far the larger portion of which are simply alcohol.

It may be mentioned, as a matter of historical interest, that one of the earliest enactments in regard to the liquor traffic in this province was the Imperial Act, 14 George III, chapter 88, known as "The Quebec Revenue Act, 1774," entitled "An "Act to establish a fund towards further defraying the charges of the administra- "tion of Justice and support of the Civil Government within the province of Que- "bec, in America."

Section 5 reads: "And be it further enacted by the authority aforesaid that "there shall from and after the fifth day of April, one thousand seven hundred and "seventy-five, be raised, levied, collected and paid unto His Majesty's Receiver- "General of the said province for the use of His Majesty, his heirs and successors, a "duty of one pound sixteen shillings sterling money of Great Britain, for every "license that shall be granted by the Governor, Lieutenant-Governor, or Com- "mander-in-Chief of the said province, to any person or persons for keeping a house "or any other place of public entertainment, or for the retailing wine, brandy, rum, "or any other spirituous liquors within the said province; and any person keeping any "such house or place of entertainment, or retailing any such liquors without such "license, shall forfeit and pay the sum of ten pounds for every such offence upon "conviction thereof; one moiety to such person as shall inform or prosecute for "the same and the other moiety shall be paid into the hands of the Receiver- "General of the province for the use of His Majesty."

## ONTARIO.

An abstract of the laws relating to the liquor traffic in this province is given in Appendix No. 128.

The laws relating to the liquor traffic immediately prior to the confederation of the British North American provinces (1867) were those of the united provinces of Upper and Lower Canada.

In Appendix No. 48 the license fees which have been charged from time to time are given.

Prior to the confederation of the provinces the legislature of the united provinces of Canada East and Canada West, now Ontario and Quebec, passed an Act in which were embodied clauses conferring local option within certain limits upon communities. A short abstract of the Act will be found in Appendix No. 130.

This Act was passed in 1864, and is 27-28 Vic., chap. 18, and entitled "An Act to amend the laws in force, and respecting the sale of intoxicating liquors and the issue of licenses therefor, and otherwise for the repression of the abuses resulting from such sale." The short title of the Act was "The Temperance Act of 1864," but the Act was more widely and better known under the name of the framer of it, viz., "The Dunkin Act."

The terms of this Act remained in force, as regarded the provinces of Ontario and Quebec, after the confederation of the North American provinces.

The first thirty-eight clauses of the Act comprised what was really a permissive bill, founded upon the plan of local option laws of the United States.

The Act recognized the principle of license. The clauses from number thirty-nine to the end of the Act, entitled "General provisions, irrespective of local prohibition," were designed to regulate, under license, the traffic in intoxicating liquors. In fact, it was simply a license Act, embodying the local option principle.

The Act did not interfere with the manufacture and importation of liquor.

The local option provisions were:—

"First.—The municipal council of every county, city, town, township, parish or incorporated village in this province, besides the powers at present conferred upon it by law, shall have power at any time to pass a by-law for prohibiting the sale of intoxicating liquors and the issue of licenses therefor, within such county, city, town, township, parish or incorporated village, under authority, and for enforcement of this Act, and subject to the provisions and limitations hereby enacted.

"Second.—Such by-law shall be drawn up and passed in ordinary form, and shall not have embodied therein any other provision than the simple declaration that the sale of intoxicating liquors and the issue of licenses therefor is by such by-law prohibited within such county, city, town, township, parish or incorporated village, under authority and for enforcement of this Act."

The municipal council might, at any time, take the initiative and submit a by-law, under the preceding conditions, to a vote of the electors. On the other hand, thirty or more duly qualified municipal electors might, by requisition, demand that at any time within one year from the date of their request, a by-law be submitted for the approval or rejection of the electors, and, in like manner, thirty or more electors might demand the passage of a by-law to repeal any by-law previously adopted under the Act, provided that not less than two full years had elapsed since the date of the submission of the previous by-law.

A by-law passed by the electors might be repealed by a vote of the municipal council, but such repealing by-law was to be submitted for the approval of the electors in the manner and with the formalities prescribed for the submission of a by-law, and such repealing by-law did not take effect unless it was approved by the municipal electors. If not approved, no repealing by-law could be again submitted until after the expiration of two years. (Subsec. 13, sec. 5.)

Two or more municipalities might concur in obtaining a joint by-law, and in the event of such by-law being adopted, it could not be repealed without the concurrence of the electors of each of the municipalities affected.

No license for the sale of liquors was to be issued within any district in which any by-law passed under the authority of the Act was in force; but provision was made for sale for medicinal, sacramental and manufacturing purposes.

Under the Act, licensed distillers were allowed to sell not less than five gallons. Licensed brewers were allowed to sell not less than five gallons, or of bottled ale or porter not less than one dozen bottles, containing at least three half pints each, at one time, the same to be removed wholly from the premises. Wholesale merchants were allowed to sell to the extent of not less than five gallons, and of bottled wine, ale or porter not less than one dozen bottles of at least three half pints each.

This law remains in force, but has practically become inoperative.

Under the existing provincial law a board of license commissioners is appointed by the Lieutenant-Governor for each city, county, union of counties, electoral district or license district, as His Honour may think fit. The board consists of three persons, two of whom are a quorum. They are appointed for twelve months, but may hold office for a longer period. They define the conditions and qualifications necessary to obtain tavern and shop licenses for ale-houses, beer-houses, or places of public entertainment where spirituous liquors are to be sold, the number of tavern and shop licenses, and the persons to whom such may be issued, all within the limits of the law.

An inspector for each district is appointed by the Lieutenant-Governor, and it is the duty of the inspector to report in writing upon every application for a license, and if the applicant is a fit and proper person to have a license.

Every applicant for a license has to proceed by petition to the commissioners in the district in which the license is to have effect. Any ten or more electors of any polling subdivision have the right to object by petition against the granting of any license within such subdivision. The decision of the board with regard to any license is not to be questioned or re-considered, except in cases in which the decision has not been unanimous, in which case the person affected by such decision may petition the board and allege facts or grounds for their reconsideration, not formerly before them, when the board may, by resolution, in which all the commissioners concur, decide to rehear the same. No license is to be granted in any subdivision (chap. 194, subsection 14, of section 11), if a majority of the electors duly qualified to vote as such in a subdivision for the election of a member of the Legislative Assembly of the province petition against it, and set forth the grounds mentioned in the Act against granting such licenses. The grounds of objections are :

(*a.*) That the applicant is of bad fame or character, or of drunken habits, or has previously forfeited a license, or that the applicant has been convicted of selling liquor without a licenses within a period of one year; or that he has kept within a period of two years, a place in which the illicit sale of liquors was frequent and notorious; or,

(*b.*) That the premises in question are out of repair, or have not the accommodation required by law, or reasonable accommodation if the premises be not subject to the said requirements; or,

(*c.*) That the licensing thereof is not required in the neighbourhood, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situate will be disturbed if a licenses is granted.

Any person who has signed a memorial against the granting of a license may be heard in opposition thereto by himself or his agent.

The clerk of the municipality in which the subdivision is situated is to decide, in case of dispute, as to the number of electors in the subdivision, and the number of those qualified electors who have signed said petition.

The number of tavern licenses to be granted is not to exceed in each year, in each municipality, that is to say, in cities, towns, and incorporated villages, one for each 250 of the first 1,000 of population, and one for each full 400 over 1,000 of the population; but in no case shall the limit authorise any increase in any municipality in excess of the number of licenses therein issued for the year ended the first day of March, 1876, unless the increase of population, in the opinion of the commis-

sioners, justifies a larger number; but in no case shall the number exceed the limit imposed by the Act.

Every application for a license, and all objections to every such application, are to be heard and determined by the board of commissioners at a meeting open to the public. The commissioners are not permitted to issue licenses for the sale of spiritous, fermented or intoxicating liquors on the days of the exhibition of the agricultural association of Ontario, and industrial exhibition of Toronto, or of any electoral district or township or agricultural society exhibition, either on the grounds of such society, or within a distance of three hundred yards from such grounds. (Sec. 13, chap. 194).

The council of every city, town, village or township may, by by-law, limit the number of tavern licenses to be issued therein for the then ensuing license year, beginning on the first day of May, or for any future license year, until such by-law is altered or repealed, provided such limit is within the limit imposed by the Act. (Sec. 20, chap. 194.)

"The council of every township, city, town and incorporated village may pass by-laws for prohibiting the sale by retail of spirituous, fermented or other manufactured liquors in any tavern, inn or other house or place of public entertainment, and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment, provided that the by-law, before the final passing thereof, has been duly approved of by the electors of the municipality. (Sec. 13, law of 1890.)

"No by-law passed under the provisions of this section shall be repealed by the council passing the same, until after the expiration of three years from the day of its coming into force, nor until a by-law for that purpose shall have been submitted to the electors and approved by them in the same manner as the original by-law, and if such repealing by-law (upon being submitted to the electors), be not so approved, no other repealing by-law shall be submitted for the lik approval within the full term of three years thereafter." (Sec. 14, law 1892.)

The electors voting for the by-law must be a majority of the total electors entitled to vote for members of the Legislative Assembly of the municipal district.

The following statement shows the number of licenses issued, and the amount collected for licenses and fines, the total collections, the amount paid for salaries, expenses and commissions in collecting the revenue, and the apportionment of the receipts between the provincial Government and the municipalities since 1876:—

STATEMENT showing Population and Amount received from the granting of Licenses for the sale of Liquors and Fines imposed in Province of Ontario.

| License Year. | Population. | *Number of licenses of all kinds. | Number of licenses proper. | Provincial Government's receipts for licenses and fines. | Municipalities' receipts from all licenses and fines. | Amount of fines collected. | Total collection of all kinds from licenses and fines. | Salaries, expenses and commission. | Proportion of population to each license, including transfers, &c., &c. | Proportion of population to each license, not including transfers. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | | |
| 1876-77 | 1,798,133 | 3,936 | 3,936 | 79,714 82 | 281,243 58 | 27,910 49 | 439,458 96 | 78,500 56 | 457 | 457 |
| 1877-78 | 1,829,510 | 3,754 | 3,679 | 77,516 55 | 249,166 55 | 24,142 54 | 375,228 98 | 48,625 88 | 487 | 497 |
| 1878-79 | 1,861,435 | 3,760 | 3,729 | 75,213 05 | 229,902 52 | 29,036 24 | 363,620 33 | 58,504 76 | 495 | 499 |
| 1879-80 | 1,893,719 | 4,068 | 4,049 | 87,198 19 | 269,647 28 | 18,613 60 | 413,013 79 | 56,168 32 | 465 | 467 |
| 1880-81 | 1,926,922 | 4,195 | 4,078 | 89,207 14 | 271,574 69 | 18,937 00 | 408,798 76 | 48,016 93 | 459 | 472 |
| 1881-82 | 1,944,889 | 4,760 | 4,163 | 91,948 75 | 258,945 44 | 17,301 44 | 423,482 71 | 72,588 52 | 408 | 467 |
| 1882-83 | 1,963,016 | 4,903 | 4,196 | 93,523 28 | 284,379 79 | 18,652 95 | 433,052 87 | 55,149 79 | 400 | 467 |
| 1883-84 | 1,981,311 | 4,940 | 4,233 | 93,225 70 | 287,246 31 | 21,406 32 | 443,095 40 | 62,623 39 | 401 | 468 |
| 1884-85 | 1,999,777 | 4,516 | 3,997 | 192,867 02 | 283,589 80 | 18,826 30 | 538,714 24 | 62,257 42 | 442 | 600 |
| 1885-86 | 2,018,415 | 3,608 | 3,177 | 165,285 62 | 231,433 91 | 18,717 74 | 450,072 97 | 53,353 44 | 559 | 635 |
| 1886-87 | 2,037,227 | 2,326 | 2,000 | 216,455 78 | 154,438 41 | 12,033 55 | 401,481 65 | 30,587 46 | 875 | 1,018 |
| 1887-88 | 2,056,214 | 2,290 | 1,886 | 201,542 45 | 156,979 89 | 15,999 15 | 392,675 17 | 34,152 82 | 898 | 1,090 |
| 1888-89 | 2,075,378 | 2,935 | 2,485 | 232,511 55 | 190,297 69 | 18,454 63 | 470,855 50 | 48,046 26 | 707 | 835 |
| 1889-90 | 2,094,721 | 4,246 | 3,609 | 307,281 02 | 297,353 45 | 21,073 20 | 680,560 55 | 75,926 08 | 493 | 580 |
| 1890-91 | 2,114,321 | 4,256 | 3,548 | 308,200 17 | 294,968 26 | 22,572 07 | 680,298 68 | 77,130 25 | 496 | 595 |
| 1891-92 | 2,134,026 | 4,189 | 3,464 | 300,604 38 | 289,487 41 | 23,316 30 | 665,609 10 | 75,517 31 | 509 | 616 |
| 1892-93 | 2,153,915 | 4,125 | 3,413 | 297,644 47 | 289,976 74 | 26,058 05 | 664,169 83 | 76,548 62 | 522 | 631 |

NOTE.—There were issued in 1874, before the Crooks Act came into force, 6,185 licenses.
do 1875 do do 5,818 do
The above information is given as complete as possible from the records of the department.
*The "number of licenses of all kinds" includes transfers, removals and extensions.

The total number of licenses is shown on the return, including transfers, extensions and removals, as well as the actual number issued from year to year (apart from transfers, etc.) with the number of the population to each class.

In Appendix No. 4, vol. 4, pt. 2, is given a statement of the places in which local option laws have been voted upon, and where they are now in force. On the statement are also mentioned the places which have passed local option laws, but which laws have been quashed by the courts, either for informality in the by-laws, or as being beyond the powers of the municipalities. By-laws are in force in twelve townships.

The Scott Act was in force in 9 districts (counties and cities) in 1885, 27 in 1886, 27 in 1887, and 19 in 1888. The law had, of course, the effect of reducing the number of regular licenses in the districts in which it was in force.

The following statement shows the number of, and the districts in which, licenses were issued by the Provincial Government under that Act for the sale of liquor, and also the number issued by the Dominion Government under the McCarthy Act in the same districts.

STATEMENT showing the number of licenses issued in counties where the Canada Temperance Act of 1878 was in force.

NUMBER OF LICENSES ISSUED.

| Counties. | By Provincial Government. | | | | By Dominion Government under McCarthy Act. |
|---|---|---|---|---|---|
| | 1885-6 | 1886-7 | 1887-8 | 1888-9 | * |
| Brant | | 3 | | | 1 |
| Bruce | | 8 | 11 | | 18 |
| Carleton | | 3 | 4 | 2 | 1 |
| Dufferin | | 2 | 2 | | 13 |
| Dundas | | 3 | 1 | | 4 |
| Elgin | | 9 | 14 | 10 | |
| Glengarry | | 1 | 1 | | 2 |
| Huron | 6 | 13 | 9 | | |
| Kent | | 14 | 12 | 12 | |
| Lambton | | 15 | 14 | 13 | 1 |
| Lanark | | 6 | 7 | 7 | |
| Leeds and Grenville | | 20 | 16 | 17 | |
| Lennox and Addington | | 3 | 3 | 1 | |
| Lincoln | | 2 | 1 | | |
| Middlesex | | 7 | 11 | 10 | |
| Norfolk | | 5 | 5 | | 10 |
| Northumberland and Durham | | 16 | 12 | 9 | |
| Ontario | | 10 | 8 | 10 | |
| Oxford | 3 | 11 | 5 | 7 | 14 |
| Peterboro' | | 6 | 4 | 3 | |
| Renfrew | | 10 | 8 | | 8 |
| Simcoe | | 20 | 20 | | 21 |
| Stormont | | 5 | 4 | | 4 |
| Victoria | | 6 | 7 | 6 | |
| Wellington | | 12 | 8 | 6 | |
| Total | 9 | 210 | 187 | 113 | 97 |

* Dates not given.

The Scott Act provides that in municipalities in which it is in force sales of intoxicating liquor for exclusively medicinal purposes, or for *bonâ fide* use in some art, or trade, or manufacture, shall be lawful only by such druggists and other vendors as may be thereto specially licensed by the Lieutenant-Governor in each province, the number not to exceed one in each township or parish, nor two in each town, and in cities not exceeding one for every four thousand inhabitants; such sales, when for medicinal purposes, to be in quantities of not less than one pint. Subsection 8 of the same Act makes provision for sales by wholesale, in quantities of not less than ten gallons, such sales to be to druggists and others licensed as aforesaid, or to persons who will forthwith carry the liquor beyond the limits of the municipality.

The operation of the Scott Act within the province has been already referred to in another part of this report, and it is only necessary to say here that the Act is not in force at the present time in any part of the province.

The centralization of the supervision of the traffic in one office in Toronto, a branch of the Treasury department, has resulted in more ample and reliable statistics of everything relating to it being kept, and the statutory enactments for the control of the traffic in Ontario are, the commissioners believe, more complete than in any other province of the Dominion.

The conflict of authority between the Dominion and provincial Governments, which resulted from the passage of the McCarthy Act (1883), undoubtedly led to confusion and, probably for a time, embarrassment, in the carrying out of the provisions of the Scott Act (1878). The embarrassments were, however, removed by the repeal of the McCarthy Act in July, 1885, and the leaving of the control of the licensing and regulating of the traffic entirely in the hands of the provincial Government.

Under the system now in force there has been a gradual reduction in the number of places licensed.

Statistics of the consumption of liquor, although evidently not entirely accurate, being made up on the same system for one year as for another, indicate reliably that there has been a reduction in the consumption.

In the province of Ontario the ratio of convictions for drunkenness for the five years ended 1885 was 2·79 per thousand of the population. In the five years ended 1890 the convictions had risen to 3·10 per thousand, the highest ratio in the whole period between 1881 and 1893 being that for the year 1889, the one in which, or immediately following the period when, the Scott Act was finally abandoned throughout the counties of Ontario. The ratio that year was 3·40 per thousand of the population. From 1889 there was a gradual reduction in the number of convictions for drunkenness, until, in 1893, they had reached a ratio of 1·75 per thousand of the population. The convictions for offences against the municipal laws increased, as did, in a slight degree, the convictions for offences against the liquor laws. Notwithstanding this, the total convictions decreased, as will be seen on reference to the return, page (59-61).

The jail statistics (see Appendix No. 5), which are admirably kept, and regularly laid before the provincial Legislature, give the following results:—

| Year. | Total population. | Number admitted. | Ratio per 1000. | Number remaining at end of year. | Ratio per 1000. |
|---|---|---|---|---|---|
| 1880 | 1,893,719 | 11,300 | 5·90 | 901 | 0·47 |
| 1885 | 1,999,777 | 11,426 | 5·71 | 983 | 0·49 |
| 1890 | 2,094,721 | 11,810 | 5·63 | 979 | 0·47 |
| 1893 | 2,153,915 | 8,619 | 4·00 | 814 | 0·37 |

The committals for drunkenness (see Appendix No. 53), were as follows:—

| Year. | Population. | Number committed. | Ratio per 1000. |
|---|---|---|---|
| 1880 | 1,893,719 | 3,795 | 2·00 |
| 1885 | 1,999,777 | 3,696 | 1·84 |
| 1890 | 2,094,721 | 4,573 | 2·18 |
| 1893 | 2,153,915 | 2,652 | 1·23 |

In Maine the total committals for the five years ended 1892 were:—

For all offences ..... 5·60
For drunkenness ..... 2·58

In Massachusetts:

For the year 1891—
All offences ..... 12·05
For drunkenness ..... 8·58

For the year 1892—
All offences ..... 7·52
For drunkenness ..... 3·63

In those parts of this report devoted to Maine and Massachusetts will be found comparative statements of prisoners remaining in the common jails, the insane in asylums, etc., etc., in these states, and those in similar institutions in Ontario, and some others of the provinces of the Dominion.

Dr. T. F. Chamberlain, inspector of prisons and reformatories for the province, in his report for the year 1892, made the following observations:—

"I am pleased to report that during the past year there has been a further large decrease in crime throughout the province, the number of committals being 1,412 less than last year, which also showed a wonderful decrease as compared with a number of years previous. In no year since 1873 have the committals been so low as in the past year, which may be accounted for by the energetic working of our clergy, the noble efforts of christian organizations for the amelioration of the condition of our poor working classes. The further decrease of 878 committals for drunkenness as against that of last year, which showed a decrease of 959 as compared with the year 1890, is a striking proof of the good work that is being done throughout the province by the efforts of organizations for the alleviation of the condition of the masses.

"The question is often asked, 'How can the existing evil of intemperance be remedied?' It is a difficult question to answer, for in the face of every effort in this direction by progressive legislation, the unwearying efforts of the clergy, the noble work of our women, the reduction of licenses, and the imposing of high license fees there seems to be but slow progress in abating the evil. It is true that a great reduction in the number of committals for drunkenness is shown during the past few years, still the evil abounds to such an extent as to awaken a feeling of alarm in the minds of all professing Christians, for undoubtedly drink is the cause of a large percentage of all the crime, destitution, misery and neglect that exists in our midst. I am convinced that the question of suppressing the liquor traffic depends upon the present mode of attack, as demonstrated by the decreased number of committals for drunkenness, namely, by teaching our children in the public schools and Sunday schools the evil effects of the use of intoxicating liquors; the efforts put forth by the various temperance organizations; the adoption of the more wise course of counsel and example to the young men of our land by those in social and financial positions, making the social drinking usages not only unpopular, but in reality a bar to good society; wise and progressive legislation to aid the peo-

ple as fast as they are prepared to accept and carry out the legislation offered. These are the lines upon which I think the most good can be accomplished, and believe they will be far more effectual than any arbitrary legislation at the present time."

The number of patients in the insane asylum of the province has very considerably increased (see Appendix No. 13). Extensions have been made from time to time in the accommodation afforded by these institutions, and the care with which they are conducted and supervised has doubtless led to their being more largely availed of in later years than they were previously.

The fact remains, however, that whilst there has been an increase in the number of inmates of these asylums, and also, as shown by the census returns of the Dominion, an increase in the ratio of insane persons to the population, there has been, according to the returns, a smaller consumption of liquor and fewer convictions for offences against the law (notwithstanding an increase in those against the municipal laws), and more especially for drunkenness in this province. There has also been a very marked decrease in the commitments to the jails of the province.

Daniel Clark, Esq., M.D., superintendent of the insane asylum, Toronto, who gave evidence before the commission in that city, said:—"I have paid a good deal of attention to the various causes of insanity * * * * The most prominent cause of insanity is hereditary inclination. Insanity is not bequeathed to anyone; it is only a tendency thereto, and when I say heredity, I mean simply that a tendency to insanity has been derived from the parents. This cause would cover about 60 per cent of those who come to the asylum. Then the other causes are varied, among which I may mention intemperance, domestic trouble, business worries, and disease being followed by insanity, such as injuries to the head. Anything that will produce unusual brain activity is conducive to insanity. There are so many causes of a minor sort that it is almost impossible to enumerate them * * * * About 3½ per cent are due to religious excitement—I mean 3½ per cent of the total number. * * * * Before stating my opinion on the point (as to a reliable number whose insanity may be attributed to, or, at any rate, excited by, the excessive use of intoxicants), I may say that statistics in regard to the causes of insanity are very unreliable often at the real. They are unreliable for this reason, that you cannot get very * * * * causes; you have largely to depend for your information upon non-professional people who bring patients to you as to the cause of insanity. In the next place, you may have two or three causes operating at once; you may have a hereditary tendency to insanity, and starvation, or injury to the head, or intemperance—two or three causes operating together to produce one effect, which any one operating singly might not produce. In regard to intemperance as a cause of insanity, a few years ago a clerical friend of mine in this city wished to write a monograph or a pamphlet on intemperance, and he asked me to give him information based upon people who came as insane to the Toronto asylum. This must have been five or six years ago. I went to work and examined the exciting causes of insanity in about 6,000 cases, from the books I had in the asylum and from the analysis that I made of intemperance as a cause of insanity, based largely upon the statement of the friends of the patient, I found about 9½ per cent. of the total cases which could be attributed to intemperance * * I gave it to my friend, but he had the impression that I must be wrong, because he thought that there were 30 or 40 per cent attributable to drunkenness, therefore he left it out of his pamphlet; it was not published * * It is in my lectures to students * * That is all, there is just the simple proportion. * * I took the books and looked up every name * * That was the result. I suppose I may say, in round numbers, that one in every ten of those who were admitted to the asylum came there presumably through intemperance."

Again speaking of the 9½ per cent, he says that he refers to intemperance as the exciting cause, and continues:—"I have no doubt in my own mind that intemperance in parents produces almost absolute degeneracy in children to a greater or less extent,"—asked, "Mental degeneracy?" "Yes, and physical degeneracy." I have watched closely those who are dipsomaniac, those who have intermittent bouts of

drunkenness, but who for months together may hate the very sight of liquor ; then when this maniacal condition comes on, nothing will stop them from their drunken bout, if they can get liquor. A large number of those dipsomaniacs who have intermittent sprees, so to speak, are so from hereditary causes * * It (intemperance in parents) is a predisposing cause * * The moment you get degeneracy in a child, you can scarcely tell in what direction it may make itself manifest. It might be hysteria, or a number of nervous diseases; it might be an inordinate taste for liquors, or it might be insanity pure and simple. The fathers have eaten sour grapes and the children's teeth are set on edge"

After speaking of total abstinence, he says: "I might say here also, from my experience, that at the present time there is much to be feared, and much to be dreaded, from the use of other intoxicants. I have no doubt in my own mind that for the last quarter of a century there has been a steady increase in the use of opium, of chloral, chloraline, Indian hemp, of hachis, and absinthe, which is menacing the mentality of the people. These things do not make their effects manifest in the same way as alcohol. The man who uses them does not make himself injurious in the neighbourhood, or in his family; but the effects are such, as I know, that it has become a serious question whether you will not have to take up all other toxicants as well as alcohol. It is the universal testimony of men who have paid attention to this matter, that there is a large number of those who are even temperate, who are even teetotallers, who take to these drugs, and give up alcohol * * I have cases coming to the asylum from the use of opium, chloral, and so on, and who become insane from that cause. Their effects are so insidious that the victims are far more hopeless than those from alcohol." After pointing out that there is practically no restriction on the sale of these drugs, he states, in dealing with the character of the drugs, and in answer to the question, "Are persons beginning with small doses of any of these drugs, liable to become habituated to their use and to go on taking more?"—"Very likely, and they are more likely to become drunkards from the use of these drugs than they are from the use of alcohol. They are very insidious and seductive, much more so than spirits * * Those who take these drugs scarcely ever take spirits. They trust to the drug alone as a rule * * When you get an opium eater, or chloral eater, or one who takes any of these other drugs, he is very apt to adhere to that alone." (Vol. IV., Part II., p. 988-991).

The commissioners were anxious to obtain from this province, as from others, full information in regard to—

(1). The expenditure incurred in the maintenance of jails, lunatic asylums, and in maintaining the poor.

(2.) The number of persons committed to jail.

(3.) The number of lunatics committed to the asylums.

(4.) The number of poor receiving relief.

(5.) The number of homes and almshouses for the poor.

(6.) The cost, per head, of prisoners committed to the jails.

(7.) The number committed for drunkenness.

(8.) The number committed for offences against the liquor laws.

(9.) The cost, per head, of those committed for drunkenness and offences against the liquor laws.

The return, printed as Appendix No. 132, was supplied by the Government of Ontario.

No information was obtained, however, in regard to the items numbers 4, 5 and 9.

The statement does not, apparently, contain the cost of the central prison, which appears to have been, on an average of four years, about $62,000 per annum, after deducting receipts.

Taking the cost of maintaining jails put down on the return, and which is paid by the municipalities, say for the year 1891, the average was $15.90 per head of the prisoners. Those committed for drunkenness in that year numbered 3,614, and for offences against the liquor laws 70, a total of 3,684, the cost of whom, taken at the same rate per head, would amount to $58,575.60. The prisoners committed for

drunkenness probably remain a shorter time, on the average, than the other classes of offenders.

The City Council of Toronto, availing itself of the power given by the law to reduce the number of licenses issued within the city limits, has effected a large reduction in the number of licensed places, as is shown by the following statement:—

| Year. | Tavern licenses. | Shop licenses. | Wholesale licenses. |
|---|---|---|---|
| 1874 | 309 | 184 | 21 |
| 1875 | 299 | 128 | 28 |
| 1876 | 216 | 100 | 39 |
| 1877 | 182 | 100 | 76 |
| 1878 | 181 | 92 | 20 |
| 1879 | 195 | 98 | 19 |
| 1880 | 204 | 94 | 18 |
| 1881 | 210 | 95 | 15 |
| 1882 | 216 | 100 | 14 |
| 1883 | 197 | 98 | 14 |
| 1884 | 217 | 88 | 13 |
| 1885 | 227 | 71 | 14 |
| 1886 | 224 | 66 | 13 |
| 1887 | 150 | 50 | 13 |
| 1888 | 150 | 50 | 12 |
| 1889 | 150 | 50 | 14 |
| 1890 | 150 | 50 | 11 |
| 1891 | 150 | 50 | 11 |
| 1892 | 150 | 50 | 11 |
| 1893 | 149 | 50 | 10 |

Taking the population of the city to have been, in 1892, 190,500, the number of licenses was equal to one for every 900 of the inhabitants. The ratio for the remainder of the province appears to have been in that year one to every 600 of the population.

A statement of the arrests for all offences, and of the arrests for drunkenness is given in Appendix, No. 35.

The following statement shows the ratio of these arrests to the population of the city:—

| Year. | Population. | Arrests for all offences, per 1,000 of population. | Arrests for drunkenness, per 1,000 of population. |
|---|---|---|---|
| 1880 | 86,700 | 68·50 | 33·13 |
| 1881 | 96,196 | 58·69 | 30·22 |
| 1882 | 105,618 | 55·40 | 28·15 |
| 1883 | 115,040 | 57·68 | 29·61 |
| 1884 | 124,462 | 59·35 | 29·27 |
| 1885 | 133,884 | 51·94 | 28·86 |
| 1886 | 143,306 | 59·81 | 29·88 |
| 1887 | 152,728 | 69·38 | 34·06 |
| 1888 | 162,150 | 67·25 | 30·11 |
| 1889 | 171,572 | 67·53 | 31·13 |
| 1890 | 180,994 | 61·84 | 28·74 |
| 1891 | 181,000 | 54·60 | 20·76 |
| 1892 | 190,500 | 47·19 | 19·19 |
| 1893 | 200,000 | 46·98 | 18·22 |

On the 13th May, 1892, the City Council, under the powers conferred by subsection 39 of section 489 of the Municipal Act, passed the following by-law:—

"Provided however when any person is brought to a police station on a charge "of being drunk without being disorderly, the chief constable of the city or the

" inspector in charge of such police station, may, in any case where it is, so far as " known to the said officer, a first or second arrest for such offence, release such " person without bringing him before a justice of the peace, or police magistrate. " Any person arrested for the offence of being drunk without being disorderly, shall " be a competent witness on his own behalf."

It may be mentioned that the arrests for drunkenness in the year 1889 were 5,441, and the convictions for the same offence, 2,176. In 1890 the arrests were 5,023, the convictions, 1,969; in 1891 the arrests were 3,758, the convictions, 1,438; in 1892 the arrests were 3,657, the convictions 1,215, and in 1893 the arrests were 3,644, while the convictions were 996. The total arrests included those arrested and discharged by the police without being brought before the court.

The amount received by the city for liquor licenses was:

| Year. | Number of licenses. | Amount. |
|---|---|---|
| | | $ |
| 1885 | 312 | 34,535 00 |
| 1886 | 303 | 32,984 00 |
| 1887 | 213 | 36,410 00 |
| 1888 | 212 | 32,773 00 |
| 1889 | 214 | 33,465 00 |
| 1890 | 211 | 31,570 00 |
| 1891 | 211 | 32,445 00 |
| 1892 | 211 | 33,889 81 |
| 1893 | 209 | 34,263 25 |

The Dunkin Act is in force in three municipalities in Ontario, viz., the township of Pelham, in the county of Welland, and in the townships of North and South Colchester, in the county of Essex. A summary of this Act, which was passed prior to the confederation of the provinces, viz., in 1864, and applies to Ontario and Quebec, will be found in Appendix No. 130.

It may be observed in regard to the voting on the Scott Act in Ontario, that in only two counties out of the 27 counties and cities which at different times adopted it, was its continuance voted for when re-submitted, viz., Lambton and Halton.

The evidence taken in Ontario in regard to the adoption, operation, and repeal of the Scott Act will be found, when read, to be conflicting and inconclusive. Here the advocates of prohibition, very generally, as in other places where the results of coercive legislation have not been satisfactory, or there has been reaction, attribute them to the non-enforcement of the law. Some others say the Scott Act was not the legislation which they originally desired and there was indifference in regard to it, overlooking the fact that the continuance in force of the Scott Act was no bar to the advocacy of an extension of the principle which was embodied in that Act.

The renewal of licenses under the present system rests wholly with the commissioners, and the only way apparently in which the voters can intervene to obtain the discontinuance of a licensed place, which circumstances have arisen to, in their opinion, render desirable, is by petition to the commissioners, which the latter are not under any obligation to regard, unless infractions of the law are alleged and proved. The law in this respect would seem to call for amendment in the direction of giving the ratepayers more control over the renewal of licenses.

A memorandum showing the efforts of temperance societies and the means taken generally to promote temperance and total abstinence from the use of intoxicating liquors in Ontario, will be found in Appendix No. 133.

An analytical index to the voluminous evidence taken in this province will be found in volume IV, part 2, of the evidence presented with this report.

The total number of witnesses examined was 284. Of those, 169 expressed themselves in favour of a law prohibiting the importation, manufacture and sale for beverage purposes, of intoxicants; 90 expressed themselves as believing that it would be found impracticable to enforce such a law; 25 expressed no opinion.

Of those who expressed themselves in favour of a general prohibitory law, 32 either expressed doubt as to the possibility of its enforcement, or their conviction that it could not be enforced.

The total number of witnesses who expressed themselves in favour of the enactment of a prohibitory law may be classified as follows:—

| | |
|---|---|
| Clergymen | 35 |
| Judges, magistrates and members of the legal profession | 11 |
| Members of the medical profession | 8 |
| Officers of the peace | 18 |
| Jailers, wardens of asylums, etc. | 2 |
| Insurance agents | 3 |
| Merchants and manufacturers | 27 |
| Y. M. C. A. officials | 1 |
| Farmers | 3 |
| Journalists | 8 |
| Members of the labouring classes | 3 |
| Ladies, including Salvation Army "lasses" | 3 |
| Excise and Customs officials and officials not elsewhere enumerated | 47 |

Of the total number of witnesses examined, 104 expressed themselves in favour of some measure of compensation to those who might have their business destroyed by the enactment of a prohibitory law.

The following are the names of the more prominent persons who gave evidence in favour of the enactment of a prohibitory law:—Messrs. D. W. Karn, Woodstock, Stapleton Caldecott, W. H. Howland, Warring Kennedy, H. A. Massey, Elgin Schoff, F. S. Spence, J. K. Stewart, J. J. McLaren, Q.C., LL.D., and Mayor R. J. Fleming, of Toronto. The Hon. G. W. Ross, Dr. Aikins, Dr. J. T. Fisher, Bishop T. W. Campbell, and the Revs. E. H. Dewart, D.D., W. Frizzell, John Potts, D.D., of Toronto, and His Honour Judge Jamieson, of Guelph.

Of the witnesses who were either opposed to prohibition on principle, or because of the impracticability of enforcing it, the most prominent were:—Very Rev. G. M. Innes, Dean of Huron; Ven. Archdeacon Dixon, Guelph; Ven. A. H. Mulholland, Owen Sound; Revs. Prof. Clark, Canon Dumoulin, G. M. Milligan, D. J. MacDonnell, John Pearson, D.D., of Toronto; Hon. T. W. Anglin, Chief Justice Armour, Col. G. T. Denison, Judge McDougall, Prof. Chas. G. Richardson, Prof. Goldwin Smith, Ph. D.; Dr. W. H. Ellis, M.B., Dr. Daniel Clark, Dr. Jas. Thorburn, and Messrs. Edward Gourney, Robert Jaffrey and J. Gordon Mowat, of Toronto.

The Rt. Rev. Maurice S. Baldwin, D.D., Bishop of Huron, speaking of the state of the liquor traffic in London, Ont., said he thought that the number of licenses was gradually being reduced, and that that was beneficial to the community. If he had to make a choice he would prefer the saloons being done away with, rather than restaurants. He had had no personal experience of prohibitory laws, but from conversation with the clergy of his diocese he was led to think that the Scott Act was not beneficial in the majority of cases. One clergyman had said that it was most beneficial. "But I understand it was not the Act which was bad, but the mode in which it was enforced." He thought the country would be better without liquor, and would favour the enactment of a prohibitory law as an act of humanity. He considered the decline and fall of most of those who had become moral shipwrecks began through drink when they were young, and that, therefore, if a prohibitory law were actually established it would save thousands of young men. By "actually established," he meant that if prohibition were on the statute-book and liquor was sold freely it would not amount to anything. "I mean if the prohibition were real; the mere passing of a law would not answer the purpose unless it was carried out." He would exempt liquor for mechanical, medical and sacramental purposes from the operation of the law, although he did not personally believe in its usefulness as a medicine. However "in anything I say, I do not wish to contravene medical statements." He thought that it would be only a matter of justice to give compensation

to brewers and distillers for plant and machinery rendered useless. He was of opinion that drunkards require different treatment from that of simply sending them to jail for a short time, a course which he did not believe produce much reformation. He considered remedial measures would be better than punitive measures. He believed that the influence of religious communions and temperance societies had been beneficial in the matter of promoting temperance sentiment and temperance habits. (Vol. IV., Pt. I, pp. 401–403.)

The Hon. George W. Ross, Minister of Education for Ontario, gave evidence which is well worthy of the most careful consideration. Speaking of the repeal of the Scott Act, Mr. Ross said (Q. 13319): "It indicates this, that unless a prohibitory law is effective, the common sense of the public prefers a license law. The Scott Act when passed, it was thought, would be made effective. Had it been, or could it have been made effective, it would not have been repealed. The fact that it was not effective led to the repeal, I believe, mainly."

Mr. Ross was asked: "Is there not always a danger in taking a special vote on such a question as prohibition that the actual supporters of the measure will come forward and vote, while those opposed to it are indifferent, and the result is that it is not really an expression of public opinion?" He replied: "Yes, I think that was the case sometimes when the Scott Act was passed." (Q. 13350*a*.)

Mr. Thomas Dexter, the inspector of licenses in the city of Toronto, stated that the curtailing of the number of licenses and increasing the license fees had not had the effect in that city of increasing the number of places where sales were carried on illicitly.

Professor Goldwin Smith, who gave evidence before the Commission, said: "In fact, you cannot enforce temperance by law, for temperance implies self-restraint, and self-restraint ends where coertion begins. I have long had the conviction that it is impossible to enforce total abstinence by law; that the attempt only makes matters worse."

The late Mr. W. H. Howland gave much valuable information in reference to the working of the license law in the city of Toronto. Mr. Howland for many years took an active part in promoting temperance. He was, at the time he gave evidence before the Commission, the president of the Ontario branch of the Dominion Alliance. He was a strong advocate of prohibition. One statement which Mr. Howland made before the commission deserves most careful attention. He said: "My judgment is that the people have shown at different times by their votes on the Scott Act, and local option, and other questions that they really do favour a prohibitory law. They have again shown by their votes that they are dissatisfied with the want of enforcement of the law, that they prefer not to have a law on the statute book unless it is properly enforced. But lying between those two facts is this other fact, that they have been careless with regard to the return of representatives to enforce the law. There is too much of that sort of thing, and it is a fault in our democratic system. People say, we will pass a law, or we will do a certain thing, and they then expect it to work itself. The efforts of the temperance people, I know on several occasions, markedly fell off. In the county of Halton they dropped nearly all their temperance organizations, they ceased to work among the young; and by-and-by the Scott Act was repealed, because there were no longer any active temperance organizations, and the young people were not being educated. There was a feeling that the law of itself would do the work. I hold the people responsible for the enforcement of the law; I do not think they have a right to say that the breaking of a law which they themselves have passed is to be blamed on anybody else but themselves. If they choose to elect proper men, they can have the law enforced at any time." (Q. 14167*a*.)

Mr. Spence, Secretary of the Dominion Alliance, gave much important evidence from the standpoint of the prohibitionists. He did not claim that the prohibitive system extinguished the evils of intemperance, only that it reduced them. (Q. 15892*a*.)

Chief Justice Armour, in his evidence, said: "I do not think that drinking intoxicating liquors makes a man a criminal any more than eating oatmeal makes a man a Presbyterian. I do not think it is what a man eats or drinks that forms his character. I believe the use of intoxicating liquors to excess is dangerous to a man physically and mentally. It induces him to be idle and good for nothing, and thus brings him among associates who are, perhaps, criminals; but the true source of criminality to a large extent is idleness, aversion to work. That is my view."

Chief Justice Sir John H. Hagarty was unable to appear before the Commission when it sat in Toronto. He addressed a letter to the secretary of the Commission, which is printed as appendix No. 171.

## PROVINCE OF MANITOBA.

Prior to the transfer of the North-west Territories to the Dominion in the year 1870, the sale and distribution of liquors in the territory was controlled by ordinances or laws enacted by the Governor and Council of Assiniboia. The Governor was the Governor of the Hudson Bay Company, and the members of the Council were selected by that company. The functions of the latter appear to have been advisory and legislative, rather than executive. The territory thus legislated over was a radius of about fifty miles from Upper Fort Garry. In 1862 the following laws were enacted relating to the furnishing of intoxicants to Indians:

"If any person, without distinction of race, supply or sell to any person popularly known as an Indian, or any member of an Indian nation, the means of intoxication, he shall, on being convicted before a petty court, on the oath of one or more witnesses, be fined for each offence, as follows:—

"Two pounds for furnishing any brewing utensils, the fine to go to the informer.

"Three pounds for furnishing malt, the fine to go to the informer.

"Five pounds for furnishing beer or any fermented liquor, the fine to go to the informer.

"Ten pounds for furnishing distilled spirits, or any other immediate cause of intoxication than fermented liquors, half the fine to go to the informer.

"In every case the offender, after conviction, to be imprisoned until the fine is paid.

"In addition to these fines, the offender shall make restitution to the Indian of all the equivalent he may have received, if any, for such furnishing, every part of such equivalent, not being money itself, being valued for the purpose at prime cost.

"If an intoxicated Indian commit or threaten to commit an unprovoked violence, he may be imprisoned, in addition to any specific punishment, till he prosecute the person who may have been guilty in the matter.

"If any person possess, or have possessed, malt or beer or spirits, or any other of the above means of intoxication in the society or tent of any Indian, he shall be held guilty of furnishing such means of intoxication to Indians.

"It shall be lawful for the bench of magistrates of the peace and petty courts in their several districts assembled, on the first Monday in June in each year, or at other times when they deem it expedient, to issue licenses, which will be in force till the first Monday in June, then next following, to approved applicants (who shall be land owners in the settlement), allowing the sale by retail on their own premises of all spirits, wines and beer lawfully imported, or of native manufacture (all quantities of wine imported under one gallon, and all quantities of beer under eight gallons, shall be counted retail); the sum of ten pounds to be paid for a license so issued and for the sale by retail of beer alone; and any person selling spirits, wine or beer by retail, without such license, shall, on conviction before a petty court, on the oath of one or more witnesses, for each offence pay a fine of ten pounds sterling, and be imprisoned until the fine is paid—one-half the fine shall go to the informer,—and the form of the licenses shall be according to schedule A or B; any offence against the provisions of said license shall be paid by forfeiture of the

same; and in addition, in case of infraction of the provisions of said licenses as regards Indians, the offender shall pay the special penalty for furnishing the means of intoxication to Indians."

The license law brought into force by the last clause was amended in 1866 and 1868. The retail quantity was fixed at anything under five gallons. It could not be sold between the hours of nine at night and six in the morning, nor at any hour during the Sabbath, nor to any intoxicated person, and under no conditions to an Indian, under penalty of the forfeiture of license. Each petty court, out of the fund arising from licenses and penalties, was authorized to defray any necessary expense incurred in enforcing laws against the illegal sale of spirits, wines or beer, or of furnishing the means of intoxication to Indians, accounting to the Governor in Council for all such receipts and expenditure. No action could lie for the recovery of penalties for any breach of the laws regulating the sale of intoxicating liquors unless information should be given within six months after the commission of the offence. In addition to the retail licenses, wholesale licenses could be issued to such persons as supplied intoxicating liquors in larger quantities than five gallons, the fee for such license being ten pounds.

These regulations, it was stated by His Honour ex-Lieut-Gov. Schultz, continued in force down to about November, 1869, when trouble occurred in the territory, and until that was settled by the arrival of the Canadian and British expeditionary force in 1870, the Governor stated that what he described as a very high-handed license indeed took the place of constituted authority.

The commission of the first Lieut.-Governor of the Province of Manitoba empowered him, with the assistance of a council, to make and enforce laws for all of the Canadian North-west, and this council passed a general prohibitory law, which was enforced by the employment of the mounted police, which force promptly repressed the armed liquor forts known as "Stand Off" and "Whoop-up," and prevented the employment of liquor for trading purposes in the North-west. (Gov. Schultz, page 159, vol. 3.)

The powers of the North-west Council ceased, as regards the territory which now constitutes the Province of Manitoba, when a separate Government was given to the North-west Territories in the year 1887; but in the District of Keewatin, which is under the rule of the Lieutenant-Governor of Manitoba, limited prohibition is still in force.

The Dominion Act passed in 1886, chap. 73 of Consolidated Statutes, separated Keewatin from the Governor and Council of the North-west Territories. Section 35 of the said Act, which is a copy of section 74, chap. 49, 38 Victoria, was as follows: —

"No intoxicating liquor or other intoxicant shall be manufactured or made in the said district, except by special permission of the Governor in Council, nor shall any intoxicating liquor or intoxicant be imported or brought into the district from any province of Canada or elsewhere, or be sold, exchanged, traded or bartered, except by special permission in writing of the Lieutenant-Governor." Such importations from any place outside of Canada were made subject to the customs and excise laws of Canada. Practically, therefore, until the constitution was changed by ordinance of the North-west Council, the limited Dominion prohibition just described, extended from the boundaries of Manitoba, Ontario, British Columbia, the states of Minnesota, North Dakota and Montana, to the northern limit of Canada and the north-eastern limit of Alaska. When Canada obtained possession of the country in August, 1870, the Assiniboia liquor law was temporarily continued in the province, with about the same results as had been obtained previously." (Gov. Schultz, page 160, vol. 3).

The ordinances passed by the first North-west Council will be referred to under the head of the North-west Territories. It will be found, on reference to the paper handed to the Commission by ex-Lieut.-Gov. Schultz, and which is printed with the minutes of evidence, that that gentleman spoke very highly of the results achieved in the district of Keewatin under the system which has just been described. He stated that only two gallons were permitted to be imported by one person for medicinal purposes during one year, the application for which had to be endorsed by a

justice of the peace, a missionary, or the head of the Indian Department of the Hudson Bay Company, and that exceptions to this rule were only made in the case of sacramental wine.

The Provincial Legislature enacted a license law in the year 1871. In 1889 the law at present in force (52 Vic., chap. 15) was passed. It amends and consolidates all the previous enactments. Its chief provisions are :

Sec. 4. The Lieutenant-Governor in Council shall establish license districts throughout the province.

Sec. 5. The boards of license commissioners shall consist of three members (two of whom shall form a quorum), appointed by the Governor in Council. They shall hold office for twelve months, dating from the 31st of December each year. They shall be allowed all true travelling expenses and $5.00 each for every day of sitting.

Sec. 6. There shall be one chief license inspector for the province, and under him one or more inspectors for each district. They shall be appointed by the Governor in Council, who shall also fix the salary and amount of security required.

(1). The security shall be in the form of bond.

(2). All sums of money payable as license fees under this Act shall be paid to the Provincial Treasurer.

Sec. 41. Any municipality may appoint an inspector or Inspectors of licenses within the limits of such municipality, who shall have all the powers conferred by this Act upon inspectors for the purposes of prosecution, and in case any person is convicted of an offence against the provisions of this Act, through the action of such inspector, or otherwise through the action of the municipality, then the Provincial Treasurer shall pay to such municipality one-half the fines recovered through such conviction.

Sec. 8. Provides for the following licenses :—

(1). Restaurant licenses, issuable in cities only. The premises require suitable kitchen, dinning room, etc. The application must be accompanied by a certificate signed by 16 householders, resident in the ward, each occupying premises assessed at not less than $2,500 at the last assessment, certifying to the necessity of the license. The inspector shall see that meals are served.

(2.) Wholesale licenses, covering sales of not less than one and one-half gallon in draught, or one reputed quart, or two reputed pint bottles. Allowing liquor to be consumed on the premises forfeits the license, and disqualifies the licensee. Cigars and tobacco only may be sold on the same premises.

Sec. 10. The licensing board shall sit in May each year. All applications for license, with the recommendation when required, and $10.00, must be in the hands of the Provincial Treasurer by 15th April. The Treasurer notifies the chief inspector, who notifies the local inspectors.

The inspector shall advertise all applications by one insertion in a newspaper, and by posting on the building, where the license commissioners' office is situate, and on the nearest post-office, for twelve days.

Each applicant must send to the Provincial Treasurer six days before the meeting of the commissioners,—

(1.) The petition.

(2.) Affidavit of self.

(3.) Affidavit of neighbours.

(4.) The bond.

(5.) The certificate of the municipal clerk or treasurer, stating the amount of license fee provided by law, and that the same has been paid.

(6.) The amount of the provincial license fee, and ten per cent in addition, as prosecution fund.

Sec. 14. Provides for the Treasurer notifying the chief inspector, who notifies the local inspectors.

Sec. 18. Applications for license may be heard at other times than at the May session of the board ; but all expenses must be borne by the applicant, or *pro rata* by the applicants, if there are more than one.

Sec. 19. Provides that all revenue from application fees, extra fees, and license fees, be paid to the Consolidated Revenue Fund.

Sec. 20. Twenty of the nearest householders can protest against the issuing of any license on the following grounds:—

(*a.*) Character of applicant.

(*b.*) That the premises are out of repair or unsuitable.

(*c.*) Insufficient signers to certificate.

(*d.*) The protest must be accompanied by $10.00 as fee, which is returnable if the protest is sustained, and must reach the Treasurer at least six days before the sitting of the Court.

Sec. 29. The fees payable to the province are as follows:—

| | |
|---|---|
| Each restaurant in cities | $ 250 |
| Each hotel in cities | 150 |
| In towns of less than 2,000 inhabitants—each hotel | 100 |
| Wholesale licenses in cities and towns of over 2,000 inhabitants | 200 |
| In towns of less than 2,000 inhabitants, villages and rural municipalities | 100 |
| Bottling ale and beer (one or both) one half the fees payable for wholesale license: (Sec. 29, 52 Vic., chap. 15). | |

(1.) Municipalities may, by by-law, require each licensee to pay toward their municipal revenue such sums as they may determine, not exceeding the amount of provincial duty, and the commissioners shall in no case issue a license until they receive a certificate from the treasurer or clerk of said municipality showing the amount of such fees, and that such sum has been paid, and all fines levied under this Act shall go to the Consolidated Revenue Fund of the province.

(*a.*) The by-law must be sent to the chief inspector.

(*b.*) The by-law shall continue in force until amended or repealed; re-enactment is not necessary.

Sec. 30-31. Hotels must possess, in cities, 15, and in town 10 bedrooms. There must be a separate entrance, and stabling must be provided. No other business may be carried on in the same premises. Music, etc., is forbidden, under a penalty not exceeding $20, or two months' imprisonment.

Sec. 41. The municipality may appoint the inspector.

Sec. 43. In rural districts one-half the fine may go to the prosecutor, provided that he is not the inspector.

The number of licenses in cities, towns and villages is limited to one for each 250 of the first 1,000 of the population, and one for each full 400 over 1,000; but two hotels may be licensed in any town or village where the population is less than 500.

In rural municipalities and places where there is no municipal organization, the commissioners determine the number of licenses to be issued; but they are not to exceed one for the first 300, and one for each 400 additional population.

The population is to be taken from the last official census.

The commissioners may grant two extra licenses, for six months each, from the 1st of June, in places of great resort; but in no place is it imperative upon the commissioners to grant the full number of licenses allowable under this Act.

Secs. 51-52. Provide that any city, town, or other municipality may pass a by-law forbidding the taking of any money for licenses, and such a by-law having been passed by such municipality, the commissioners cannot issue license for the sale of liquor therein.

This by-law is only submitted for the vote of the electors in the municipality, on the petition of 25 per cent of the resident electors, and three-fifths of the said electors have to vote in favour of it, in order to give it effect.

(*k.*) The by-law must be ratified by the council of the city, town, or village within six weeks of the vote being taken.

(*m.*) At any time after a by-law passed under this section has been in force for at least two years, the council of any such city, town, or village, on receiving a petition signed by 25 per cent of the resident electors, shall submit a by-law to repeal the same.

(*n.*) In case of repeal no new by-law can be submitted for two years.

Sec. 62. The commissioners shall report annually,—

(*a.*) The names of all applications granted.

(*b.*) The names of all not granted.

(*d.*) Prosecutions under the Act and their results.

The inspector shall report annually to the chief inspector particulars of all prosecutions under the Act, giving names, dates, amounts of fines inflicted, and the names of the magistrates trying each case.

Sec. 67. Sales of liquor are prohibited on election days, from 10 p.m. on Saturday night till 7 a.m. on Monday morning, and from 11.30 p.m. to 6 a.m. on all other days.

Sale without a license incurs the following penalties:—

For first offence, from $50 to $250; for second offence, from $200 to $500; for third offence, from $500 to $1,000, or proportionate imprisonment in default.

Excessive drinkers may be interdicted; penalty for in any way supplying such interdicted person, $100.

On the revision of the statutes in 1891 this Act remained intact, becoming "chap. 90."

In 1893 the Act was amended, the time for forwarding applications being made the fifteenth of October.

In case of the refusal of any license, the former holder might be granted a license for two months.

A conviction under this Act may, at the option of the owner of the premises, operate as an absolute forfeiture of any lease, whilst a second conviction will cancel the license and disqualify the premises for two years.

The inspector shall report annually on all the facts set out in the registry of license for the year, and such other information as the Attorney-General may require.

Civil damages up to $1,000 are recoverable by the legal represetatives of any person who comes to his death by drink.

The following statement was supplied by the provincial Government of the number of licenses issued, and the amount received by the Government for licenses and fines. The population has been added to the return since it was sent in.

STATEMENT of population and amount received in the Province of Manitoba from the granting of licenses for the sale of liquors and from fines imposed.

| Year. | Population. | Number of licenses of all kinds. | Provincial Government's receipts for licenses. | Amount of fines collected. |
|---|---|---|---|---|
| | | | $ cts. | |
| 1874 | 33,074 | | 900 00 | |
| 1875 | 36,199 | | 7,764 00 | |
| 1876 | 39,618 | | 7,614 00 | |
| 1877 | 43,360 | | 3,880 00 | |
| 1878 | 47,455 | | 3,950 00 | |
| 1879 | 51,937 | | 5,428 38 | |
| 1880 | 56,843 | | 5,407 21 | |
| 1881 | 62,260 | | 2,131 72 | |
| 1882 | 69,592 | | None | |
| 1883 | 77,788 | | 100 00 | |
| 1884 | 86,951 | | 12,508 39 | 65 00 |
| 1885 | 97,194 | | 13,006 67 | 77 50 |
| 1886 | 108,640 | | 18,321 66 | 125 00 |
| 1887 | 116,267 | | 23 909 97 | 2,564 15 |
| *1888 | 124,429 | | 32,230 25 | 1,150 00 |
| ‡1888 | | 169 | 5,805 86 | 750 00 |
| 1889 | 133,164 | 179 | 26,300 31 | 2,049 45 |
| 1890 | 142,511 | 157 | 26,103 00 | 2,098 10 |
| 1891 | 152,506 | 156 | 25,850 15 | 1,699 40 |
| 1892 | 163,213 | 155 | 25,978 49 | 3,744 00 |

* To June 30th. ‡ June 30th to December 31st.

From the same source the following information in regard to the amounts received by the municipalities for licenses issued has been received :—

| | |
|---|---|
| 1889 | $16,937 85 |
| 1890 | 18,416 25 |
| 1891 | 18,506 70 |
| 1892 | 19,254 35 |
| 1893 | 19,199 60 |

The statement was accompanied by the intimation that for the years prior to 1889 the statistics were not on record in the Department of Agriculture of the province.

A statement of the quantities of liquor entered for consumption within the province from 1871 to 1893 will be found at page 40.

The following is an abstract of it :—

| Period. | Population. | Gallons per capita. | | |
|---|---|---|---|---|
| | | Spirits. | Beer. | Wine. |
| 5 years ended 1875 | 30,466 | 0·822 | 0·535 | 0·154 |
| do 1880 | 47,843 | 0·640 | 1·490 | 0 064 |
| do 1885 | 78,757 | 1·363 | 4·143 | 0·119 |
| do 1890 | 125,002 | 0·879 | 3·426 | 0·077 |
| 3 do 1893 | 163,462 | 0·905 | 3·436 | 0·063 |

It is probable that in the first period mentioned the province was to a large extent supplied with liquor on which the duties had been paid elsewhere, and which did not therefore enter into the entries for consumption in the province. The period showing the largest consumption (5 years ended 1885) was that in which the Canadian Pacific Railway was under construction, when there would be a large floating population.

A considerable portion of the liquor so entered for consumption may have been sent into the Territories, and some shipped across the line into the United States, but at the same time there have undoubtedly been shipments of liquors into the province upon which the duties have been paid elsewhere, and there has also been some smuggled, on which no duties have been paid.

A statement, taken from the criminal statistics of the Dominion, showing the convictions for all effences in the province, the ratio per thousand of such convictions, the total convictions for drunkenness, and the ratio per thousand of such convictions, from 1881 to 1893, will be found at page 66.

The following is an abstract of it :—

| Year. | Population. | Convictions. | | | |
|---|---|---|---|---|---|
| | | For all offences. | Ratio per M. | For drunkenness. | Ratio per M. |
| 5 years ended 1885. | 78,757 | 2,191 | 27·82 | 1,217 | 15·45 |
| do 1890. | 125,002 | 1,031 | 8·24 | 543 | 4·34 |
| 3 do 1893. | 163,463 | 1,175 | 7·18 | 581 | 3·55 |

In Appendix No. 6 is a statement of the population in the jails of the province, showing the number admitted, and the number remaining therein, at the close of each year. The ratio per thousand of the population, it will be noticed, is, comparatively, a low one.

In Appendix No. 14 is given such information as it has been practicable to collect in regard to the inmates of the insane asylums of the province.

In a letter dated 14th April, 1894, the chief clerk of the Department of the Provincial Secretary, Winnipeg, said:—"We have also a home for incurables at Portage la Prairie, where harmless lunatics, as well as those who are incurable but sane, are cared for. Not more than one-third of the patients of this institution can be classed as sane and incurable. The number admitted to the home during the year 1892 was 18; the total number remaining at the close of the year 1892 was 47. The number admitted during the year 1893 was 9; and the number remaining at the end of the year was 48."

It was to be expected in a new country like Manitoba that the ratio of admissions, and the number remaining at the end of each year in the asylums, would show a continued increase. The ratio for 1892 is, however, when contrasted with the ratio in other provinces, comparatively a small one.

Appendix No. 45 shows the arrests for all offences in the city of Winnipeg between 1888 and 1893, the ratio per thousand of the total arrests, and the ratio per thousand of the arrests for drunkenness.

In Brandon the police magistrate stated that the number of arrests for drunkenness was about 15 per month. Estimating the population in 1892 at 4,000, and the arrests at 180, the ratio would be 45 per 1,000 of the population, as against 22·98 per 1,000 in Winnipeg.

The chief of police stated that the arrests which had been made for drunkenness from the 1st of January to the date when he was giving his evidence—October 29th, 1892—were 54, which would give a total of about 5·40 per month.

Brandon has eight licensed places to 4,000, and Winnipeg has about 54 to 30,000 population.

An analytical summary of the evidence taken in the province will be found printed along with Volume 3 of the Minutes of Evidence. Much of it had reference to the partially prohibitory system in force in the North-west Territories, which will be referred to in the portion of this report relating to that district.

A large proportion of the witnesses examined spoke strongly in favour of prohibition, a considerable number of them expressing the opinion that it was wrong —in fact, sinful—for the state to license the sale of intoxicants. They would like a Dominion law, and would have it enforced by Dominion officials; but they believe that a provincial law is desirable, and could be enforced.

Such witnesses as spoke of the failure to adopt and enforce the present local option law, and the Canada Temperance Act, attributed that failure to the non-appointment of inspectors and supineness on the part of the authorities in prosecuting offenders. They held that it was the duty of the inspectors to carry on prosecutions. (Q 30496). Many of those in favour of prohibition as a principle either thought that it would be impracticable to carry it out, or were doubtful if it could be carried out.

In the city of Winnipeg it was stated that there had been a dispute between the city authorities and the Government as to whose duty it was to enforce the law.

There was a general concurrence that there was less drunkenness in the province than formerly; that the cities of Winnipeg and Brandon were orderly, and that the cases of drunkenness were not numerous. (Q.30445-30608).

The superintendent of Indian agencies, Mr. E. McColl, stated in regard to the Indians, that "no intoxicating liquors are ever used by them outside the boundaries of civilization or white settlements, and of course, far north, there are no settlements. The only places where liquors are used are around Selkirk and the city of Winnipeg, and around the reservations. There is a reserve at the junction of the Rosseau River and the Red River, and along the Rainy River there is considerable drinking, especially at the time of treaty payments. The reason that they are able to get the liquor is that there are disreputable men who cross over from the United States and bring liquor with them. When they return across the river they are beyond our control. Within recent years the Dominion Government, however, sent there an excellent officer from Ottawa, who has almost stamped out the sale of liquor at

the time of the treaty payments. This year it has been reported that little or no drinking has been going on there." (Q. 30626).

This gentleman suggested that if one or more officers were appointed at different places, similar to the one who has been appointed, and who has achieved such success at Rainy River, much good would arise. He said that the law in relation to the selling of liquor to Indians "has been put in force by myself and by the agencies, without fear or favour to any party." (Q. 30630–1). He further stated that there was a time when you could not go along the street in Winnipeg without seeing Indians in a state of intoxication. Now arrests quickly followed any case of drunkenness, and there was punishment of both drunkard and seller. (Q. 20–6301). "The Indian," he added, "cannot take a drink and do as white men do. There is no half-way with him."

Mr. McColl made the further statement: "Rum and tobacco were introduced by traders some years ago, but I believe the Hudson Bay Company put a stop to that trading altogether. Since that time the generation of Indians have passed away, and probably many of those who are old men now have never tasted liquor. Long ago it was rum which was obtained for their furs; but there is nothing of that sort now. Such trading is absolutely prohibited, and no liquor is given to Indians. Of course, occasionally disreputable people go from the city and give them liquor in order to get their furs." (Q. 30649).

This gentleman said a good deal in commendation of the efforts made by the missionaries, and the good they had done amongst the Indian tribes.

There is no distillery in the province of Manitoba. There are seven breweries and the Collector of Inland Revenue, Mr. H. A. Costigan, stated that there was occasionally a case of illicit distillation, potatoes being used. (Q. 30678). Most of the cases of illicit distillation were in the North-west Territories, to which his district extended. Any distillation which took place in Manitoba was from grain, and occasionally syrup and molasses. He said that all the cases of illicit distillation which had been detected in the Territories were before the new North-west Ordinance went into force. (Q. 30685). He expressed the opinion that the present license law of the province was a good one, if thoroughly enforced, and said that he had not had any case of tampering with liquors brought under his notice. (Q. 30705). As far as he knew there was very little smuggling of liquor into the province of Manitoba. (Q. 30687). He had travelled through the North-west Territory, but had not found that prohibition prohibited there. He did not think that the consumption, now under the license system, in the Territories was greater than it was before they had that system. (Q. 30715–6).

The manager of the grocery and liquor business of the Hudson Bay Co., at Winnipeg, Mr. E. B. Nixon, stated that their sales had decreased since the adoption of the license system in the North-west Territories. (Q. 30760.) The general belief was that smuggling prevailed very extensively during the time that the limited prohibitive system was in force in the Territories. (Q. 30770.) He expressed the opinion that the recent vote on prohibition was sandwiched in with politics. (Q. 30815), and he did not think if the people were to vote again, that the resolution in favour of the plebiscite would carry, irrespective of politics. (Q. 30816.) He had lived in Richmond, Quebec, during the period that the Dunkin Act was in force, and he found that liquor was used very extensively. (Q. 30834.)

The fishery officer for the Dominion Government, Mr. Richard Latouche Tupper, who had been chief license inspector for the province under the McCarthy Act, until it was declared *ultra vires*, and who had been engaged in framing the Manitoba Liquor Act, which had since been repealed, said that the McCarthy Act was a very beneficial Act for the province, and that it appeared to satisfy the people as a whole. It was a workable Act. (Q. 30856–7–8–9.) "I think," he continued, "social habits have improved, for the reason that, on account of cheaper transportation, a better class of liquor is obtained, and the people are able to get better liquor than formerly. I travelled from here to Edmonton and the Peace River country long before the railroad came in here. I walked from Ottawa River to the Rocky Mountains, with

the exception of 137 miles, and I constantly visited the Hudson Bay posts and other posts, and at some places I drank brandy and whisky. Now in Manitoba you can get light beverages, and, of course, there is less drunkenness than there was before. Although there may be more liquor drank there is less drunkenness, and the people have improved under the change." (Q. 30870.) He never, he remarked, found much difficulty under the old system in getting liquor in the North-west Territories. (Q. 30891.) Traders and dealers would get hold of permits, and would obtain alcohol, and dilute it and fix it up with tobacco, &c. The people drank pain-killer all over the country, and subsequently the sale of it had to be stopped, and it could only be vended by permit. (Q. 30895.) He knew a man on the Saskatchewan who drank six or seven bottles a day of "Perry Davis' Pain-killer." (Q. 30896.)

This witness stated, in reply to a question as to the practicability of the enforcement of the prohibitory law, that "such a law would be desirable if it were practicable, but I do not believe it to be practicable. I believe it would be the means of giving us worse liquor and more crime every way, and it would not prohibit. I do not believe it is possible of enforcement. Smuggling and illicit manufacture would go on, particularly in the north-west country, and the people would resort to other methods of obtaining liquor. Smuggled liquor would take the place of the present supply. (Q. 30898.)

With regard to the vote recently taken on the question of prohibition, Mr. Tupper said that he did not think it meant anything, although there was a large majority. "A great many," he observed, "were very earnest, and a great many voted for fun. I have been told by a great many people that they did not want prohibition, but voted for it for fun. They voted without thinking. I am satisfied that if they came to consider the question again, and to vote again, and had the question fairly and fully placed before them, which was not done last time, the majority would vote the other way. I am satisfied that would be the result." (Q. 30966.)

He stated that under the license system the signatures of sixteen out of the nearest twenty neighbours were required to secure a license, and that meant prohibition all over the province if the people wished it. (Q. 30974.)

Mr. Edward L. Drewry, the owner of a brewery in Winnipeg, giving evidence before the commission, stated that they turned out about 300,000 gallons of ale, porter and lager beer, yearly. Of this quantity 60 p.c. would be lager. They shipped very little to the eastern provinces, but shipped westward over the territory as far as British Columbia. The arrangement for allowing 4 p.c. beer to go into the North-west Territories gave a great impetus to the brewing business in Winnipeg (Q. 31000.) During the time that the prohibitory system was in force in the North-west Territories he had been at Calgary, where he saw plenty of drinking. He found it difficult to get beer, but there was plenty of whiskey. (Q. 31011.) He had no doubt that large quantities of liquor were sent into the Territories without permits during the prohibition period. His brewery never sent in any, but it was not for lack of opportunity. They had studiously avoided either violating the law or the permit system. (Q. 31033.) He was quite satisfied with the present license law, and would like to see it fairly enforced. (Q. 31075.)

Mr. Thomas Nixon, right of way agent for the Canadian Pacific Railway Company, said he was in favour of prohibition, but would allow persons to have liquor in for their own use. (Q. 31138). He expressed the opinion that people had better throw money into the river than buy liquor with it. (Q. 31188). He thought a prohibitory law could be carried out. There might possibly be more smuggling under it than existed now. (Q. 31184). With regard to the plebiscite recently taken in Manitoba, he said, "There was no fun about it. There was a solemn warning to the legislature of the country as to what the opinion of the people of Manitoba was on the subject. Many voters gave their votes in constituencies that have almost a prohibitory law now." (Q. 31200). He thought no attempt had been made to pass the Scott Act in Winnipeg. Of course, the people had a right to take a vote on the subject; but they had not taken one. Asked if any steps had been taken in favour of prohibitory legislation since the recent vote was taken, he said, "We do not require to

do so if the legislature carry out what they promised to do for us," which, he explained, was that if the vote was in favour of prohibiting the traffic, the Government would do it; that is, they would pass a prohibitory law, and that was what he and others were looking forward for them to do. The question submitted to the electors was "license or prohibition; for prohibition and against prohibition." The mode of prohibition was not submitted.

Mr. E. P. Leacock, agent of the Canadian Pacific Railway at St. Boniface, who has lived in the province for fourteen years, been reeve of Kildonan, warden of Selkirk, a member of the Legislative Assembly, and a magistrate, stated that he prepared the Manitoba License Act of 1886, and that he has observed very carefully the working of it since. The conclusion he had come to was that the law was not enforced; that its non-enforcement was owing to the laxity of the officers, the laxity of public opinion, and the lack of moral courage to carry it out on the part of the officers who should do so, from the Attorney-General down. "Every one of them," he said, "down to the lowest officer, has not the moral courage to enforce the license law.

Mr. Leacock was asked how he could account for this lack of moral courage to enforce the law, when so large a vote had just been so recently given in the province in favor of prohibition. He stated that the reason was "that a great many Conservatives wished to place the Government in an awkward position, and voted for prohibition. I imagine the motive of the Conservatives was to see what the Local Government would do if that vote were carried. (Q. 31293.) It was no expression of public opinion in favour of prohibition; it was rather an expression of opinion that the local license laws were not properly carried out and that very serious results would follow. (Q. 31294.) It was a declaration in favour of strong measures being taken in regard to dealing with the traffic, but not in favour of prohibition *per se*. The officers of both parties "are afraid of the hostile opinion of the licensed victuallers; they are also afraid of influences being brought to bear upon them to stop prosecutions. There is no reason whatever why a man who is Attorney-General of this province, whether he is a total abstainer or not, should not know perfectly well that the law is not enforced. It is not enforced, and no one attempts to enforce it. (Q. 41296.) "If the opinion of the majority of the people was favourable to strict enforcement, now could the Government resist that sentiment?—They do not resist it, they go to sleep." If that sentiment is for prohibition, how can they, in view of the power and influence exercised by those in favour of enforcement, yield to the other side?—For the very simple reason that the people talk and do not enforce their views. (Q. 31298.) I think it would be impossible to enforce such a a law (a prohibitory law) as the public mind is not ready for it. It would amount to nil. There would be strong measures taken at the outset to oppose it. The first step, in my opinion, is to see that the law in regard to the sale of liquor is observed, especially in regard to allowing liquor to be drunk on the premises during illegal hours, and in such case the licensed victuallers should be fined and punished." (Q. 31309.)

This witness expressed the opinion that the working of the prohibitory law in the North-west Territories was absolutely nil; that "there was more drinking done then than there is now" that "the liquor was imported in kegs and the people were in the habit of getting two or three gallons of whiskey at a time, and they would drink it and remain like beasts for a day or two; and subsequently, for about a month, they would not have any liquor whatever. (Q. 31310-11.) The Manitoba law he referred to was that which was prepared by Mr. Tupper, but was very much modified, and was adopted by the present Government of the province with many restrictive clauses taken out of it." (Q. 31325.)

Speaking of the vote recently taken on prohibition, he said:—"I regard it as a vote which was largely manipulated for political purposes." (Q. 31318).

He considered that the public sentiment was growing towards prohibition, "and eventually, in years to come," it would be adopted. He looked upon the rigid enforcement of the license law as a first step, and a most desirable one. (Q. 31330-1).

The mayor of Winnipeg expressed the opinion that the temperance sentiment had increased; that prohibition was desirable, and, in his opinion, practicable; but he would have national prohibition. He thought the province could not very well enforce the provisions of a prohibitory Act. (Q. 31399). He stated that he had done business at different points in the North-west Territories for fifteen or sixteen years, and that the effect of prohibition there for the first eight or ten years was good. Recently the enforcement of the law had become more lax, and within the last four or five years, in his opinion, it was not enforced at all. He thought, in view of that condition of affairs, it was much better to drop the permit system, and adopt the improved system which now prevails. (Q. 31383–5). He considered that the recent vote in Manitoba was the expression of the opinion of the people on the question of prohibition. So far as he knew, the method of prohibition was not submitted, and he did not think that the vote had had the slightest legislative effect. (Q. 31413–31415).

Mr. James L. Steen, of Winnipeg, president of the Board of Trade, publisher of a "purely trade journal," and carrying on the business of a printer and publisher, stated tnat he thought it would be "a piece of the most unmitigated folly" to have an Act passed by the Dominion Parliament prohibiting the manufacture, importation and sale of alcoholic liquors for beverage purposes. There might be sections of the country in which prohibition could be carried out with profit, but a measure which would reach from the Atlantic to the Pacific could not. (Q. 31469).

The Hon. John F. Bain, judge of the Court of Queen's Bench, who has resided in Manitoba for about twenty years, expressed the opinion that there had been a marked change for the better in the drinking habits of the people, which he thought was in a great degree due to an improvement in the sentiment of the public in regard to the use of intoxicating liquors. He favored a system of high license. When in Maine he stated he had noticed that liquor was obtainable quite easily at the hotels where he staid. He thought that a prohibitory law could only be carried out if the people were in favor of it, not merely in favor of the law being passed, but sincerely in earnest in wishing it to be enforced. He did not care to express any opinion as to the benefit or otherwise of prohibition over high license. His own impression was that it would be perfectly impossible to strictly enforce a prohibition law. He had made visits to the North-west on business and otherwise, and had observed the working of prohibition there to some extent. He thought it was the very reverse of a success. He had not been in the Territories since 1885. He said: "The permit system was evidently abused, and under the operation of that permit system, liquor seemed to be obtainable to a very great extent. It struck me that I had never seen the use of liquors so utterly demoralizing as it was in the North-west at that time." (Pp. 65–69).

The Hon. William D. Ardagh, judge of the eastern judicial district of Manitoba for the last eight or nine years, referred to the working of the Scott Act in Simcoe, where he had resided prior to going to the North-west, and stated that it was not at all a success. His experience was that it led to greater home consumption. He thought that the people of Manitoba, and Winnipeg more particularly, were temperate and sober in their habits, and that there was probably less drinking generally. He had travelled through a part of Maine without knowing that prohibition was in force there, and it was only when somebody happened to mention it that he was aware of the fact. With regard to prohibition in Canada, he said: "In my opinion, from all the experience I have had, and I have been for many years *ex officio* a magistrate, and between ten and fifteen years mayor of the town where I lived, a proper license Act is the best means to minimize the evil, which everybody admits to be an evil, and that system should be tried before we resort to prohibition. My own impression about the license law is that the whole difficulty lies with politics. I think that is at the root of the whole matter. The one approach made to the proper regulation and control of the traffic, and the disruption of politics from it, was in the case of the Dominion Act which was declared *ultra vires.* The administration of the law was, to a large extent, placed in the hands of an independent authority,

an authority which was *ex officio* and largely independent. The impression on my mind is that if a proper license law were enacted, with, perhaps, a permissive Act in regard to certain portions of the law, so as to enable the control to be placed under one authority—the local authority, including inspection—such a law, without interfering with revenue purposes, would minimize the evil and reduce it to its lowest limit, and it would have a less injurious effect on the community at large and on their morals than total prohibition." (Q. 31666). Judge Ardagh also explained his experience as a license commissioner under the Dominion Act, and gave much valuable information to the commission.

Dr. George Turner Orton expressed the opinion that the license law worked very fairly in the province; but he did not think that the permit system worked well in the North-west Territories. He had some experience of it as medical superintendent of the men employed in constructing the Canadian Pacific Railway (Q. 31-743), and found that the law was continually infringed, and that large quantities of spirits of a very inferior character were shipped there and used. He also explained that it was the general opinion that liquors were much adulterated. (Q. 31745–6–7). He thought the permit system was as well administered as it was practicable to carry out such a law. He expressed himself in favour of a well regulated license system as being better than prohibition. He would permit the sale of light wines and beer in public places, but would entirely prohibit the vending of spirituous liquors in public bar-rooms and saloons. He thought that popular opinion was not in favour of prohibition, notwithstanding the recent vote in the province, (Q. 31765), and that nine-tenths of the votes were given simply because the people thought it was respectable to vote on that side without giving any consideration to the question. "I do not think," he said "that the people to-morrow would feel sufficiently interested in the subject to assist in any way the officers of the law in carrying out such a measure. I do not believe any large number of them would make it a special object to do so" (Q. 31767). "Every farmer in the country is well aware that the breweries are of immense value to him, as offering him a market for the crop of barley, for which he has very little sale. The same might be said in respect to rye, which is used in the distilling of whisky." (Q. 31770). He had remarked, been insurance examiner for a number of companies for over thirty years, and did not remember a case refused where a man drank moderately and took stimulants in moderation. He said: "It is a well known fact that at one time the character of the liquor admitted into the North-west Territories was almost like poison, but still the people drank it. There was a very strong feeling in favour of greater liberty under the permit system. I know that as a fact, simply because people were often compelled or tempted to bring in liquors that were not fit for use, whereas by the extension of the permit system they would have been able to obtain proper, healthy and unadulterated liquors." (Q. 31847).

Mr. Louis W. Coutlee, barrister, Winnipeg, who had acted as Deputy Attorney-General in the disputed territory between Ontario and Manitoba, stated that he enforced the Public Works Act. There was much smuggling; liquor came in in eggs, the original contents having been blown out. It was also brought in on hand cars on the railway. He had seen something of the prohibitory law in the State of Maine, and it was practically not observed. (Q. 31923). He did not consider prohibition practicable.

Mr. Colin Inkster, of Kildonan, sheriff of the Eastern Judicial District of Manitoba, said that the first liquor law passed in Manitoba after it became a province was practically a copy of the old Assiniboia law. (Q. 32010). He expressed the opinion that the license law was very well observed. He had chiefly to do with civil cases. A large number of those with whom he had to deal had executions issued against them for debt. (Q. 32018). Of such, the drunkards were the very smallest proportion. In only a very small percentage of cases had the inability to pay arisen from drinking habits. (Q. 32020). He thought that a general prohibitory law well enforced would do good. He was of opinion, however, that it could be

enforced only with dangerous consequences, because it would lead to smuggling, for people would have liquor at any rate.

Mr. John W. Sifton, the inspector of public institutions in the province, expressed the opinion that the recent vote take on prohibition was a very serious expression of public opinion. (Q. 32092). He said the people had had other opportunities of voting on the question, and they had voted in the same way. The Scott Act had been carried in three-fourths of the province; in all the counties except the district of Winnipeg. Asked why it did not go into operation, he said that it was because "there was some flaw in the Act, in consequence of which it was declared to be invalid. The people never had a chance of seeing how it would work. They started to enforce the law, and the case went to the Supreme Court, and the court threw it out." There was, he remarked, a considerable portion of the territory under local option, and he thought this kind of prohibition had worked very well. "It is practically all over the province," he added, "and there seems to be no very great difficulty in carrying it out except in towns, especially in towns near the railway, where liquor can be smuggled in." He said there was a jail in one of the districts under this prohibition, in which there were no prisoners, and no jailer. (Q. 32094–8.) He thought the prohibitory law could be enforced just as well in Manitoba as the license law then was, in fact, a little better. He had enforced the Public Works Act on contract No. 14 of the Canadian Pacific Railway, where he had seventy-six miles of road under his jurisdiction. (Q. 32105.) The financial difficulty which would be created by the adoption of a prohibitory measure was not insurmountable; the law would promote the moral standing of the country. "Take the places," he said, "where it is in force now; take those places I have mentioned (certain places in California), and the moral standing of the communities is high. Take the condition of affairs right in our own province and wherever the Act is enforced, we find the same excellent condition, and there is no question but that as the sentiment of the country has increased in that direction, we have improved morally. We think we are the most moral and sober people on this continent. We think we can bear that out by statistics. We think there is no city of the same size as sober as Winnipeg." Witness expressed himself in favour of a prohibitory law similar to that in force in the State of Maine. He explained that the vote in Winnipeg was largely in favour of prohibition, but that the citizens had taken no action on the subject since the vote. He thought it did not rest with them to do so.

Mr. William Small, carpenter, of Winnipeg, was in favour of Dominion prohibition. He thought the law would perhaps be better carried out if limited to the provinces which were strongly in favour of it. He was of opinion that the sale of liquor was an evil to the state, and the state had no right to license an evil. If the sale of liquor was not wrong, then the hotel-keepers and saloon-keepers had no right to pay for the privilege of selling it, and there ought to be either untrammelled sale or prohibition. That was his opinion of the question on principle. As a matter of expediency, the license law might be better than untrammelled sale. (Q. 32211–32234.)

The Rev. John Stewart, of Treherne, a minister of the Methodist church, gave his experience in Ontario. He had lived at Brampton where he found adulterated stuff was sold. He would rather have a license system than untrammelled sale, but he would prefer prohibition to license. The officials who were supposed to look after the carrying out of the law were so lax in their duties that if the system (license) were adopted it would probably not be enforced. Of course, it would be very much better than untrammelled sale. He thought that the officers appointed to enforce the license system should be put under bond and made to do their duty. In the district where he resided, on the 10th of May there was a vote taken on prohibition in the municipality. He thought the vote stood between forty and fifty against to between two hundred and three hundred for the local option law. The law was set aside by the judges on the ground of some technicality. If the people had had the money they would have been able to set aside the decision of the judge, because the premises on which the decision rested was not true. (Q. 32311). In the

district there were about one thousand voters, out of which, if his statements were correct, the number voting would be about three hundred and fifty. The feeling of the people in the district was such that no licenses were granted at Treberne. He thought that prohibition had been beneficial wherever it existed. (Q. 32338). He considered that the recent vote in Manitoba was an intelligent expression of the views of the people, and that it was unfair to charge them with voting unthinkingly. (Q. 32333).

Mr. Duncan McArthur expressed himself in favour of prohibition, and said: "I further believe it to be practicable throughout the Dominion if properly enforced, and eminently so in the Province of Manitoba, which at present has a small population, by the majority of whom the principle has been endorsed." (P. 112).

Mr. Frederick W. Thompson, the manager of the Ogilvie Milling Company, who had resided in Winnipeg about ten years, stated that he did not observe any particular change in the habits of the people in the matter of the use of intoxicants. He had lived in Missisquoi during the period when the Dunkin Act was in force, but was not favourably impressed with the results. Drink was to be had. He lived in the county after the Act was repealed, and was struck by the fact that there was less drinking under license in the village where he resided than there was when the Dunkin Act was in force. (Q. 32365). He regarded the Dunkin Act "as a farce" (Q. 32377). His opinion in regard to prohibition was that the very fact it was made difficult to obtain liquor would lead to greater demoralization, and greater crime and breaking of the law. He said: "I believe that where a community is generally prosperous the people attend in a larger degree to sobriety."

Mr. Andrew Dykes, tea merchant, of Winnipeg, who had been a brewer in England, thought that prohibition enhanced the value of property. He would vote for unrestricted sale in preference to a license law. The demoralizing effects of the traffic if unrestricted he believed would remedy themselves. (Q. 32440). He would have all the laws in regard to the traffic observed. He thought that the present license law in Manitoba was not enforced; that as it stood it was a good law, if well carried out. There was no officer appointed to enforce it, or rather, there was only one. He though the proper course would be to have more officers appointed by the Government, and they should see that the law was properly observed. (Q. 32475–80.)

Mr. George F. Gault, wholesale merchant, Winnipeg, who had been a resident in the province between ten and eleven years, and in business all that time, had been through some of the counties in Ontario when the Scott Act was in force. He never knew any of those laws to interfere with the sale of liquor. He found it more difficult to refuse to drink in places where such laws were in force than in those under license. (Q. 32534). He had been in the North-west Territories when the prohibitory law was in force there; but only for a limited time. It was possible to obtain liquor for beverage purposes. (Q. 32536). He was unfavourable to enforced prohibition. He did not consider that it could be practically carried out. He was in favour of high license, which would tend to prevent illicit sale, and the business would be better conducted. He stated his objections to a prohibitory law as follows:—

"I think it is demoralizing to a community. It raises all sorts of ill-feeling in the community, and the experiences of the past have pointed how very willing people may be to vote for prohibitory laws, and yet almost at the first opportunity they have invariably expressed a contrary opinion. Considering that fact, and the further fact that all the pressure is brought to bear on one side, that is, on the side of temperance, I think those votes when they are registered against prohibition should be conclusive, as they express the opinion of the people." Continuing, he said he did not believe that it was possible to enforce prohibition. He did not regard the recent vote on prohibition in Manitoba as significant. "I think," he remarked, "experience has shown that such a vote could be carried anywhere where the people have not had any experience of the two systems, and experience has shown that such an Act could not be carried where the people have had experience of the

two systems." He thought that was almost entirely correct. With reference to the position in the State of Maine, where prohibition had existed for forty years, and the position in Iowa, he said: "I have always understood that liquor can be had in those states, and so long as liquor can be had, the people who want it will not raise any great objection to any law, however much it is attempted to be enforced. (Q. 32593–32607).

Mr. W. R. Mulock, Q. C., Winnipeg, a resident of the city about ten years, expressed himself as strongly in favour of prohibition. He is president of the Prohibition League of Manitoba. He thought the recent vote in the province was the expression of public opinion. The liquor interests had, by the issue of pamphlets, endeavoured to influence the vote against prohibition, and the movement was not a one-sided agitation. He could see no more difficulty attending the enforcement of a prohibitory law than was connected with the observance of local option. (Q. 32678). The enforcement of local option was a matter dependent upon the officials. There was an indisposition on the part of citizens to become informers. (Q. 32680). He expressed the opinion that "God's law enforces prohibition." Though a member of the Church of England, he considered that the use of fermented wine at the communion was wrong. "From the economic standpoint," he said, "I think it would be well to take the money spent on liquor and bury it in the middle of the ocean, and the country would be an enormous gainer." (Q. 32696).

Mr. Edward A. Burbank, manager of the Merchants' Protective Law and Collection Association, Winnipeg, who had been in the province about four years, came from Australia, and had been in Kansas, Iowa and Maine. In Kansas he found a prohibitory law, but he did not find prohibition. There was pretty much the same condition of things in Iowa. (Q. 32772.) He quoted the number of liquor tax papers issued by the United States Government in the State of Maine as proving that the sale continued there. "I should judge," he said, "from my observations, that when people wanted liquor they could get it." He had been at Calgary, Banff and Regina. He remarked, "I think more drinking was done there than ever was seen in Winnipeg; particularly was that the case in Calgary." (Q. 32784.) Asked if liquor was sold in the Territories, he said, "It was freely drunk and freely used, but I do not know where it was obtained." He had taken no part in the recent vote on prohibition, except that about two or three days before the election he was requested to write something for the newspapers giving his views. Questioned if the opinion at which he arrived was favourable or unfavourable to prohibition, he replied, "I would vote for prohibition readily, and I would believe in absolute prohibition, if my impressions, observations, reading and study had not led me to believe that absolute prohibition was impracticable and impossible." This witness gave some information in regard to the traffic in the municipality of Carman, where a local option law was in force. The people had repaled the local option law, and he said the condition of matters since had improved under the license system adopted. Speaking of the vote taken on prohibition, he said, "I take it that even the vote fell two or three thousand short of the vote generally polled in the province. It would have been nine or ten thousand short if that question had come up separately. But the people were voting for candidates for the Provincial Legislature, and they were asked to vote and take in this measure, and that is the reason why so many voted as did vote." (Q. 32814.) There was no organized opposition to voting in favour of the Act. (Q. 32817.) With reference to the issue of the pamphlet (which he had referred to), he remarked, "My opinion is that Mr. Greenway was guilty of an attempt to evade the issue, and his opponents took advantage of that position in which the Greenway Government placed themselves, so as to put them in a hole on that issue. I believe that an absolutely strict and well enforced license law would be the best thing we could have in this country." He did not think the law was well enforced in Winnipeg. He went on to say: "There is only one license inspector for the province, and it is absolutely impossible for him to be in so many places at about the same time and enforce the law. In my opinion, he should have assistants. I think the people who call themselves prohibitionists and temperance

people should have given support to the enforcement of the license law. If a license law cannot be enforced, I do not see how a prohibitory law could be enforced. (Q. 32826.)

Mr. C. H. Graburne, clerk of the executive council of the province, gave information in regard to the voting on the plebiscite. He thought the vote expressed a real desire on the part of the people of Manitoba for prohibition. (Q. 32,911.) He had the record only of two constituencies in which the vote had been against prohibition. One showed a majority of six and the other a majority of fifty. He was in favour of prohibition, and knew of nothing to prevent its being brought into force. He did not consider that the license law worked satisfactorily in Manitoba. He hardly knew what the difficulties were; probably non-enforcement of the Act would be one cause of it. Asked if it was a lack of a sufficient number of officers to carry out the Act, he said: "It is lack of stringent enforcement. I think there has been laxity in the enforcement of the law, which has given license to parties to break the law. I have seen so much trouble in connection with the sale of liquor after hours that I think the result has been found even worse than the sale of liquor during proper hours." He would prefer a license law to untrammelled sale, but desired prohibition. "Then you do not look on licensing as a sin *per se*?" he was asked, and he replied: "If it was properly observed and properly carried out, probably there would not be such a persistent cry against the license law and as to the necessity of prohibition." (Q. 32925.) The law had been amended from time to time, but he considered it still defective.

The Hon. Albert C. Killam, judge of the Court of Queen's Bench, resident in Manitoba for fourteen years, was born and brought up in Nova Scotia, studied law subsequently in Ontario, and practised there for some time before going to the North-west. He thought probably there had been a decrease, taking the increase in the population into consideration, in the use of intoxicating beverages in Winnipeg, which he considered an orderly and well-conducted city. He expressed the opinion that it would be better to put the persistent drunkard under some restraint. Such a provision had been made in the law in Manitoba, and although it was not repealed, it had been allowed to become a dead letter. He had occasionally been in counties where they had prohibition, but only temporarily. He had visited and resided at Yarmouth, N.S., where the sentiment appeared to be very strong against the sale of liquor. He was not aware that liquor was allowed to be retailed there by the glass. There had been no license granted in Yarmouth within his recollection. As a school boy he had heard of places talked about where liquor was sold illicitly. He had been in the North-west Territories when prohibition was in force there. Of the operation of the law, he said he had seen very little. "I remember," he remarked, "some time ago I was at Fort Macleod for a day or two, and at Calgary for a time, but never saw liquor sold. I have seen apparent evidence of parties having used it, and I have known it to be freely used; it has been offered to me and to others. I have seen bars that were pretty large and expensive to be kept up by the sale of ordinary liquor, and I have been told that they sold intoxicating liquors at them. But I did not see evidence of sale myself." He had not gone very deeply into the question of the advisability of a prohibitory enactment, but said: "As to enforcing such a law, it seems to me it would be so exceedingly difficult as to be almost impossible." (Q. 32972). Again, "I desire to say on the question of prohibition, that a large number of persons desire to use intoxicating liquors, and I think it would be an undue act on the part of the majority to prohibit their obtaining them." (Q. 32974). Further, he remarked: "The result of the recent vote was a surprise to me. In my opinion it may not have expressed the views of the people, for the reason that there was no practical outcome of it; it was not put into practical operation. Still, I may be mistaken in that regard. I was surprised at such a large vote being given in its favour." (Q. 32976). Asked if the majority being as strong as the vote indicated, it would be right for them to impose their views in the shape of a prohibitory law upon the minority, the honourable judge said: "That is a very difficult question to answer. I still hold my previous opinion, that the majority should not infringe on the natural rights of man."

Mr. J. K. McLennan, of Winnipeg, grain merchant, expressed himself most strongly in favour of prohibition. He had recently come to Winnipeg from Treherne. In the lastmentioned place, no licenses were issued. He thought that the municipality of Carman was better under prohibition than it was under license. (Q. 33013). He had been a commercial traveller, and had visited Carman regularly. He thought that whilst a local option law was in force there was very little drinking. He said: "I think a prohibitory law would be well enforced in Manitoba, judging from my impressions at Treherne, outside of a few parties who would be determined to keep a little liquor on hand. Outside of these few people, if the trade were prohibited, I believe there would be no difficulty in enforcing the law." (Q. 33013–33016).

Mr. Charles H. Cordingly, accountant, Winnipeg, thought that the enforcement of a prohibitory law would not only be impracticable, but impossible. (Q. 33071).

The Rev. John Semmens, minister of the Methodist church and president of the Manitoba and North-west Conference, who had resided five years in Winnipeg, described (pp. 135-137) the kind of prohibition enforced by the Hudson Bay Company. The following is a quotation from that gentleman's evidence:—

"Have you noticed the operation of the prohibition law in the North-west or in Keewatin?—Yes, I have, and I have also had a view of prohibition that no one has mentioned to this commission. Prohibition was introduced by the Hudson Bay Company many years ago, and its effect was felt over the whole territory then governed by the council of which Sir George Simpson was the president. That prohibition was decided upon by the Hudson Bay Company's council in session, for the purpose of protecting the hunters on the one hand and the company's trade on the other. It was carried into effect in the most wholesale fashion by the refusal of the authorities to ship any liquor from England, and for a number of years this prohibition prevailed all over the North-west. The immediate result of it was that business increased, that the health of the people was very much improved, and life was preserved. I know that from observation; I know it also from statements made, and I also know it from printed statements of the Hudson Bay Company, issued before this province was a province of the Dominion."

This gentleman stated that he had been a missionary in the Hudson Bay Territory for a number of years, and referred to cases of habitual drunkards, who, when the supply of liquor was shut off, became good citizens and able hunters.

The following is a further quotation:—

"Suppose the Hudson Bay Company had established, at various posts throughout the territories, licensed places under certain restrictions, do you think they would have accomplished the same result as was secured by adopting a drastic measure of prohibition?—They had that, practically, all the time. The people lived in forts, and were practically banished from the company of white men. They were practically prohibitionists, and yet under that system and under those restrictions, the evil crept in which the council saw must be removed."

He believed the recent vote on prohibition was an honest expression of the public desire and purpose respecting the liquor trade. He considered it a large vote as compared with the vote for members of the Legislature. He believed that a prohibitory law, if enacted, would be well enforced: He said, "I should be guilty of lacking respect for my fellow-countrymen if I made a statement to show that I did not believe it." In reply to the question, "So you expect the Provincial Government at the next session of the Legislature to introduce a measure for prohibition, I suppose?" he replied, "I do not think that I have faith enough to dare to expect that much. I have hope, however, that they will move in the right direction. I would not have prohibition unless it could be in force constantly." (Q. 33174). He said he would prefer Dominion to provincial prohibition. The Hudson Bay Company might have liquor in their stores, but it was for private supply. He stated that the private supply for their own factors was never done away with. They could always obtain liquor for their own use.

A highly interesting statement, made by ex-Lieutenant Governor Schultz, will be found printed with the evidence taken in the province.

The evidence taken in Winnipeg, the most important place in the province, tends to show that the means taken to enforce the existing law are generally considered to have been inefficient and lacking in energy. The conclusion is irresistible that the agitation for prohibition has been much more vigorous than the agitation for a strict enforcement of the law. The people of the city of Winnipeg could at any time, if they were so disposed, have taken advantage of the provincial law and refused to issue licenses, as might any other town or municipal district in the province.

Much evidence was taken in Brandon.

The police magistrate, Mr. John Campden Todd, who declared himself in favour of prohibition, thought that a prohibitory law might be effectively worked, but that it would be a very difficult thing to do; liquor would be smuggled, and it would reach families who did not have it now. He said there were about eight licensed places in Brandon, and he did not think there were any places were liquor was sold illicitly, as they were pretty sharply looked after. The cases which came before him for sale after hours, he thought did not average more than one per month. About two-thirds of the vote taken at Brandon was in favour of prohibition, and he believed that it represented the opinions of the people. He added: "I do not think that any prohibitory law can be enforced, that is, so as to be able to keep liquor entirely out. I do not believe that it is possible to do it." On the question of voting on the occasion of the plebiscite, he said: "I noticed at the time the question was before the people that it was not placed before them or explained to them as explicitly as it might have been. It seemed to be an off-shoot of something that came in last, or at the tail end, or as something not worthy of much notice. I had occasion to observe that. If the question had been properly explained to the people, I think the vote would have been a different one to what it was at the last general election here. * * * I happened to be in one of the voting places at the time of the plebiscite for a couple of hours, and I noticed that the prohibition movement came up at the very last moment. The voters had cast their ballots for members of the Legislature, and this was taken up as a side issue. I noticed a great many people said: 'Oh, I do not care about it'; and started out. There did not seem to be the time and consideration given to it that should have been given. I observed that the question was asked individuals if they did not want to vote, and the answer was frequently given that they did not want to have anything to do with it. Then the men would start out. Of course, that man's vote counted for nothing; of course, it was neither for or against."

"He did not vote?—He would have voted against prohibition, and I noticed a great many people would have done so." (Q. 33259-33262.) He did not mean those who voted for prohibition, but those who did not vote at all.

The chief of police of Brandon said that between the 1st of January and the 29th of October, 147 cases had been before the police magistrate. Of these about 54 were cases of drunkenness, and of the remaining 98 cases he thought perhaps 31 might be attributed to drunkenness.

Mr. John McDiarmid, M.D., mayor of Brandon, in which place he had resided for about ten and one-half years, said that he considered prohibition might be a good thing if it were carried out, but he had great doubts about the practicability of the scheme (Q. 32298). If prohibition were enacted in Manitoba, he thought, in face of the vote which had been taken, it could be fairly well enforced.

Mr. Gordon Bell, M.D., medical superintendent of the Manitoba reformatory, had resided in the province for five years, and came from the county of Renfrew, Ont. He stated that of 47 inmates of the asylum—24 males and 23 females—there was only one case in which it could be proved that the lunacy had been caused by drink. (Q. 33340). He said thae his experience had been somewhat limited, but from it he had come to the conclusion that about 3 per cent of the total lunacy cases could be attributed to alcoholism. (Q. 33367).

Mr. Frederick H. Hesson, collector of Customs, Brandon, thought from the experience he had had that prohibition could not be enforced. He considered that the license law was fairly carried out. He thought that for about two years there were no licenses issued in Brandon. The place was then under the North-west prohibitory law. He said that during 1882 and 1883 liquor was openly brought in without any permit and was sold. (Q. 33400-1). There were no mounted police to check the traffic, and it went on practically without hindrance. The result was that there was more drinking than under the license system.

Mr. A. M. Peterson, a member of the legal profession at Brandon, where he had resided for ten years, was favourable to prohibition, and did not see why it could not be enforced. (Q. 33430-2). Mr. Peterson's opinion with reference to the recent vote was expressed as follows:—"I heard plenty of men who had expressed themselves favourable to prohibition declare they would vote against it at the plebiscite, and I may state that lots of men who voted against prohibition would have voted for it if they had believed that the time was ripe for the enactment and enforcement of such a law. I think the people gave consideration to the matter, and voted as they thought best. I do not believe that those who voted for prohibition believed that it would be a bad measure, but I believe those who voted against prohibition believed that such a law would be a good thing, but that the time was not ripe to attempt its enforcement." (Q. 33452.)

"So the vote in favour of prohibition is not the expression of all the people favourable to it? I am not prepared to say that the people of Manitoba are fools, and I believe they expressed their honest sentiments." (Q. 33453.)

William A. Macdonald, M.P.P., barrister, of Brandon, who had resided in Manitoba over ten years, spoke of his experience under the Dunkin Act in the township of Pelham, Ont. It did not work satisfactorily. There was no license law in force when he went to Brandon. There was a great deal of sale, a great deal of liquor, and a great deal of drunkenness. He thought that the license law was fairly well observed in Brandon, (Q. 33473,) but he favoured prohibition if it was backed up by the sentiment of the people. The recent voting in Manitoba would be an indication of the feeling of the people, if they voted as they felt. In the city of Brandon they had a hot contest, and no doubt politics drove the question of temperance a little out of the public mind, though, for all that, he believed there was a fair expression of public opinion; but the people did not give the same thought to it as they would have done had the question been brought up separately. (Q. 33483.)

Rev. Alexander Urquhart, Presbyterian minister, had resided in Manitoba and the North-west Territories for about nine years; in Brandon for about three and one-half years. He was in favour of prohibition. He thought the license system had increased drunkenness. He presented a report of the Synod of his church on the liquor question. He considered that the prohibitory law in the North-west Territory was much preferable to the license system. He saw very little drunkenness in the Territories when the prohibition law was in force. He had resided in Regina. The Synod of his church had made a deliverance protesting against the way in which the permits were issued, and advocating that the law should be changed. The legislation of the Territories was in favour of a license system, and the members of the Legislature, elected by the people of the Territories, evidently did not agree with the sentiment expressed by the Synod of his church. He thought there was an increase of drunkenness after permission was granted to bring in beer for sale containing four parts of alcohol. He had no personal knowledge what the state of matters in the Territories was since the license law had been brought into force.

Mr. Richmond Spencer, M.D., of Brandon, had resided there for about eleven years, having gone from Montreal. He said that the permit system was in operation when he went to Brandon. The liquor traffic was prohibited when the railroad was opened, and you could not get liquor at that time except by permit. The whisky brought in was pretty good, he thought; the brandy and wine were nothing but poor whisky coloured. He considered that the present license law was fairly

well observed. He was not in favour of prohibition, nor yet in favour of the provincial liquor license law. He thought that the common people ought to get a cheap drink, such as lager beer, or any other good drink, and the better classes get good wine; he meant those who were willing and able to pay for it. If there were those who wanted brandy or some liquors stronger than those commonly used, the proper way would be to place a large license fee on its sale; let them pay 50 cents per glass for it, but at the same time let it be good. Of course at 40 or 50 cents per glass there would be less drinking. They would not pay $2 or $3 for a few glasses of brandy. The reason men drank more under the permit system than under license, he considered, was that they would get one or two gallons at a time, gather their friends together, and drink it, not ceasing till they had finished. (Q. 33,580-1.) He remembered reading some extracts from an official report of Col. Herchmer, who said the condition of things under license was greatly worse than under the permit system, and that the change had been for the worse since the license system went into operation. He thought if the license system was properly looked after, it would not be so bad. (Q. 33585.) Prohibition was wrong in principle. He did not believe in prohibiting a man and "then having him sneak in by back doors. We would next have our children sneaking in by back doors, and practically stealing it." (Q. 33599–600.)

The Rev. S. Daniels, Methodist minister, Brandon, said he would like to see a Dominion Act. If that was not practicable, he would like to see a Provincial Act. He could not see why such an enactment could not be enforced. Something, no doubt, would depend upon public sentiment. He believed that the preponderance of public sentiment in Manitoba was most decidedly in favour of prohibition. (Q. 33644). He had only been in Brandon a few months, and had previously been at Portage la Prairie. The license law was then in force.

Mr. L. F. Hughill, employed on the editorial staff of the *Mail*, Brandon, had been almost constantly in Manitoba and the Territories since 1872. The prohibitionist enactment was the law when he was in the North-west, but it was not to any great extent enforced. Intoxicating beverages were obtainable in large quantities. They were of a very inferior quality. Consumption to excess occurred. Whenever what was called a "cargo" arrived, it was the occasion of dissipation. Permits were drawn out so that they covered the liquor for a sufficient length of time until someone else smuggled in a cargo, and when it did come it was used to excess. "If a man had a permit for five gallons of whiskey all his friends called on him, and there was what was called in that country a general jamboree until the liquor was finished." Liquor brought in under the permit system was of a better quality than that which was smuggled in. He had not been in the Territories since the license system came into operation. He thought that the bringing in of liquor under the permit system diminished smuggling, and the liquor was decidedly better after the railway was built. (Q. 33684). He had seen the working of the license law in Manitoba, and "as prohibition was carried out in the Territories, a license law is preferable, because the prohibitory law was not enforced in the slightest degree. (Q. 33687)." He was of opinion that in all cases a high license should be charged, and that a number of licensed places should be done away with and an effort made to obtain a better class of licenses. (Q. 33697). When he said that prohibition was not enforced at all, he intended to refer to the time previous to the license system. When he was first at Fort McLeod there was no permit system; whiskey was smuggled in from Fort Benton. Then Col. McLeod, commissioner of the North-west Mounted Police, received an order from the Government that he could issue permits to a limited extent, and afterwards Governor Laird issued permits when he came into the Territory. He thought the North-west mounted police arrived about 1874, and from that date to the fall of 1876 or 1877 the permit system was in existence. He did not believe that any good at all had been effected by the prohibitory law in the North-west Territories. (Q. 33715). That was because of non-enforcement. If the law had been rigorously enforced, he considered that some good might have been accomplished in certain sections. He did not think that the recent

vote as a vote was one on which anybody could reason anything. It was a political cry, and a great many people therefore voted that way. He knew men who voted for prohibition who every day of their lives drunk some alcoholic liquor. He would vote for prohibition if he thought it would be strictly enforced.

Mr. David H. Cooper, of Brandon, barrister, and manager of the Freehold Loan and Savings Company, did not think that the license law was very thoroughly enforced in Brandon. He believed there were some places where liquor was being sold illicitly. He did not see why a prohibitory law could not be enforced as well as any other law.

Mr. William Johnston, agricultural implement dealer, had had some experience in the working of the Dunkin Act in the County of Grey, township of Collingwood, and did not consider it a success. There was more liquor drunk then than under license. He was in favour of prohibition, and thought the manufacture of liquor should be stopped, and that the Government should stop the importation. He did not think the Government could stop the trade entirely, but they could make it very difficult to obtain liquor. Nobody seemed to take an interest in the matter in the township of Collingwood. He would expect to have a staff of Dominion officials appointed to see to the enforcement of a general prohibitory law, to see that no liquor was being manufactured and no smuggling carried on.

Rev. Alexander Cameron, Minister of the Presbyterian church of Canada, resident in Brandon, where he had been for only a few months, had been in charge of missions at Calgary and Revelstoke, (pp. 196–199). A prohibitory system was in force in the North-West Territories when he was there, with the permit system. He made Donald for a time his headquarters. There was high license in force. Revelstoke and Donald are both in British Columbia. The hotels were selling. There were about thirty places selling in Donald, sixteen under license and fourteen unlicensed. That was at the time of the construction of the Canadian Pacific snow sheds, the finishing up of the work in 1886–88. There was a fluctuating population of about 300. The town of Donald was now very much better; the population had slightly dimished, and he understood that the licensed places were reduced to four. He thought there were two licensed places between Donald and Revelstoke, and that liquor was sold at almost every place there. The liquor was spoken of as bad. The men at Donald and Revelstoke in the time he referred to were largely railway men working in the round house, on construction or on the bridges. They were largely strangers, but he thought they were nearly all Canadians. He had not been in the Territories since the license law came into operation. He was in favour of prohibition, which he thought applicable to the country as a whole, and was, from the observation of public contractors who carried on public works, of opinion that such a law could be carried out. On the matter of the practicability of preventing liquor coming into the country under a general prohibitory law, Mr. Cameron said that he did not care to go into that matter, but he thought that with the Government in favour of carrying out prohibition, it could be done. The force would have to be provided by the Government enacting the law and paid by that Government.

Mr. William Ferguson, of Brandon, a wholesale liquor dealer, who had resided for ten years in Manitoba, principally at Brandon, and came from Scotland, said that his business had increased, but he attributed it to the increase of population. In the summer the people required light liquors, and consumed a good deal of lager. He imported liquors direct from Europe, and also from Ontario and from Winnipeg. He had no experience of prohibition, except in the North-west Territory. He had been at Moose Jaw on business, where prohibition was then in force. He had gone there to push the permit trade. He saw people in the hotels, and gave them to understand that they could get "the goods" if they had permits. Permits allowed five or ten gallons at a time. At first it was two gallons; but it was afterwards increased. He did not know what they did with the liquor. There was a considerable trade built up in the way he had mentioned. As regarded the 4 per cent beer, he could not say whether there was more than that quantity of alcohol in it or

not. He thought that occasionally the dealers would put something in it to make it stronger. Peddlers sometimes would put brandy in it, but he did not think the practice of peddling liquor prevailed to any extent. (Pp. 199202). In reply to a question as to whether he had any opportunity of testing the liquor being peddled, he said: "I was very cautious; I was afraid of the whisky up there. I had heard so much about it." He had heard that blue-stone and tobacco were used to adulterate liquor, but he could not say positively what the ingredients were. If there was prohibition the world over, he would certainly be favourable to it. Prohibition in Manitoba only would not do at all; there would be smuggling across the line. Some people thought that liquor could be kept out, but he did not; it would come in by all kinds of ways.

Rev. James Woodsworth, Methodist minister at Brandon, superintendent of missions in Manitoba and the North-west Territories, had lived in the province a little over ten years, seven of which he had resided at Brandon. Under the working of prohibition in the North-west Territories, he said, he had seen men drunk, and he presumed they purchased the liquor. Of the people of Brandon and in Manitoba generally, if he spoke comparatively, and judged from the other provinces, he would say that generally he found that to be a sober and law-abiding community. He was opposed to the present license law, but on the question of whether the licensing of the traffic is or is not in itself sinful, he remarked: "There has been a doubt in my mind whether prohibition under some circumstances, for instance, as I saw it in some parts of the Territories, was better than license. But even if I were to suppose that license under some circumstances might perhaps be better than prohibition under certain circumstances, that would hardly answer your question. I have had no personal experience, and I do not know how I could give an opinion on the matter * * * I am inclined to that view (*i.e.*, that the licensing of drinking is a sin). He believed in the principle of prohibition. "Notwithstanding apparent difficulties," he was asked "do you think it would be practicable to enforce such a law?" He replied: "If the people would put a principle of that kind before their party politics, it could be carried out." In response to the question, "Then you think that politics interfere?" He said, "Yes." The present license system has been in operation only a very few months (October, 1892). "As yet I have visited the Territories only once, but the general impression as expressed to me in various parts of the country was that the drinking had been far in excess of what it was previously." (Pp. 202).

Mr. Edward Jukes, manager of the branch of the Imperial Bank at Brandon, has resided in the province thirteen years; ten years in Brandon. He considered that the people of Brandon were sober and law abiding. He had not paid much attention to the liquor license law. The liquor traffic had not affected the business of the bank in Brandon in any way. He was opposed to prohibition on principle; it took away a man's right to a certain extent to think and act for himself. Judging from the result of the recent plebiscite, it seemed as if the people of Manitoba would like to have prohibition. He thought they had expressed themselves in favour of it (Pp. 203-206.)

Mr. Stephen Clement, sheriff of the western judicial district of Manitoba, at Brandon, went to Manitoba in 1880. He had resided part of the time since at Shoal Lake, and in Brandon from 1882. He had had some experience of the working of prohibition in the North-west Territories. In some ways it was beneficial, but it was "a farce" to a great extent. (Q. 34042). They would get liquor occasionally, and when they did, then they would get together and drink to excess. Liquor was smuggled into the Territories; it was bad. There was liquor used for medicine that was mixed up with different articles and flavoured. Lots of "Pain-killer" was used. He thought that probably of the prisoners in the jail the greater portion of the crimes for which they were incarcerated were committed through liquor, directly or indirectly. He had not particularly observed the working of the license law. He did not know that there was much elicit sale in Brandon. He was favourable to the principle of prohibition, and thought it could be enforced with very little difficulty,

but he had not considered the machinery to be adopted for the purpose of enforcing it. He thought it should be the duty of the province to see that liquor was not brought in, and he held that, without incurring very great expense, liquor might be kept out. There was a great many people who said that if liquor was not manufactured there would be no difficulty. Asked if he did not think that at least two provinces would be against such a law, and if they would be likely to fall in and support it, he said: "I should not like to speak very much about those provinces that would oppose it. The French people are quite different from Ontario people, and are more disposed to drink. I have had very little experience of them, however" (Q. 34074).

John A. McDonald, M.D., who had resided nine years in Brandon, found the people sober and law-abiding. He thought the license law was well observed. The liquors which he had to use in his profession were very poor. Whisky that was supposed to be imported was adulterated, and unless he got a particular brand of brandy, it was very poor. These liquors were supposed to be imported, but he thought they were made in Brandon. He did not think that national prohibition was practicable. A continental law might be enforced. He did not think it would be possible, even with continental prohibition, to entirely prohibit the sale or use of liquors. He said he did not see how prohibition in the province could be carried out if it cut off the revenue from the traffic. If the Act were general all over the Dominion, then, of course, the Dominion, having power to tax other articles, would make up the deficit. Total prohibition in Manitoba could not be carried out.

The following is an extract from Mr. McDonald's evidence:—"The revenue at present obtained from liquor taxes would have to be raised in some other way, I suppose. I do not know how it could be done."

"Do you believe that when the people of Manitoba voted at that plebiscite, they voted in sober earnest? The assertion has been made that they did so; if that were the case, and the people were anxious for prohibition, would they not be willing, if necessary, to add to their provincial taxation?—I do not believe that the majority of the people want prohibition in Manitoba, and the rest of the Dominion to be free; for this reason, it would be a very great expense to prevent the entrance of liquor into this province, surrounded as it would be by provinces where there would be free trade. I believe that if the people were to vote again, and the question were to be put before them, they would not vote for prohibition.

"Do you believe that their principles are so weak that they would allow their feelings to interfere with them?—I think that a very large number who voted for it would look at it in that light. If it did not affect the revenue of the province, I think they would be in favour of trying it.

"Did not some people vote for prohibition because they wished to get rid of the evils of drink, and thought that this might be a way of getting rid of them?—I voted myself with that idea. If it were a question between high license, so that a man earning $1 or $1.25 per day would be unable to obtain sufficient drink to make himself drunk, and prohibition, I would vote for high license, because that is practicable and prohibition is not.

"So you voted for prohibition on account of its principle?—Yes; I should like to see less drunkenness.

"Do you think that others voted for it for the same reason?—Yes."
(Q. 34144 to 34151, inclusive.)

The Rev. W. H. Jenkins, pastor of the Baptist Church, at Brandon, where he has resided for upwards of two years, went from Cumberland County, N.S. Cumberland County, he said, was under the Scott Act, which was pretty well enforced. Difficulty was found in managing the vessels, but the Act was fairly well carried out at the end of the county where he lived, Advocate. It was a great sea-faring community, and there were many captains there. They had schooners and, of course, saw their friends for a while. A great many of them drink more or less, as all sea-faring men do. They would take a bottle along with them, and have a time. Any trouble experienced there arose from that cause. He thought that licensing the

traffic was wrong on moral principles, yet he considered that anything that lessened the traffic was a good thing. He had lived in Queens County, N.B., which was under the Scott Act, and it worked very successfully. He had noticed that whilst there seemed to be a great deal of drinking in Brandon among young men, the community was strongly in favour of prohibition. In passing through the streets in the evenings you would see that the bar-rooms were open to the street, and you would see crowds, especially of young men. He thought that the sentiment in favour of prohibition was growing, and said: "The different Protestant churches have a very strong hold on the province and all those denominations are very pronounced in their opinions, with the exception of the Episcopal church, and I am not in a position to know anything in regard to it, although I know that some of its leading members are strongly in favour of temperance." (Q. 34200).

Mr. Alfred Boisseau, hotel-keeper, Brandon, had lived there about ten years. He had been for two years previously in Winnipeg, and prior to that he had resided in Ottawa. He was asked if he noticed any change in the social habits of the city as far as regards the drinking of intoxicating liquors as a beverage, and said they had greatly improved since he went to Brandon. The fee he paid altogether was about $250 per year. He thought there was no illicit sale in Brandon, and he believed the liquors sold were pure. He purchased his liquors delivered in bond, and they were taken out of the original packages in which they came from the old country. He bought through the wholesale dealers in Winnipeg and Brandon. He thought it would be well to increase the amount paid for licenses, and make the number of licensed places small, as practically that system could be carried out. On the question of prohibition, he stated: "As long as liquor is manufactured it cannot be prohibited." Being asked the following question: "Supposing the Manitoba Legislature next session should enact a prohibitory law, would it be wrong"? He answered: "No, for they have a perfect right to legislate a wrong. It would be an injustice to some people. I do not think the plebiscite was a fair vote of the people. Why I say so is because I have heard hundreds say that they would not vote as they did if another vote was taken. If that vote were retaken, the result would be different. If a prohibitory Act were passed by the legislature, it would be supposed to be all right; but I do not think that such an Act could be enforced." (Q. 34247.)

A large number of those who gave evidence before the Commission in the Province of Manitoba expressed themselves on principle in favour of the prohibitive system; many on the ground that it was morally wrong to license the traffic. Some of those who so expressed themselves were of opinion that a prohibitive law was impracticable of enforcement; others expressed doubt as to the possibility of effectively carrying out such a law. A considerable number did not express any opinion on the subject. If those who were doubtful as to the possibility of carrying out prohibition, and those who expressed the view that it was impracticable, were added to those who expressed no opinion on the subject at all, they would form a majority of the witnesses who gave evidence.

The evidence given in regard to the significance to be attached to the vote on prohibition taken at the last provincial election will be found to be very contradictory. Those in favour of the prohibitive system expressed the view that it must be taken as the deliberate and well considered vote of the people of the province; those opposed to prohibition, that the popular mind was influenced by political considerations, and that the vote being taken at the same time as the vote for the members of the legislature imported into the question party feeling. The evidence shows that the system or kind of prohibition was not distinctly submitted or explained.

One important witness who gave evidence at Brandon, in answer to the question, "have the people of Manitoba decided this question by the plebiscite?" said, "there was a meeting here and the president of the Prohibition Society, Mr. Mulock was present. I asked, 'is this prohibition for the whole Dominion or for Manitoba?' He said: 'The idea is to get the vote of the people of the different provinces by a

plebiscite, and as soon as the people have declared in favour of prohibition, we can then go to the Federal Government for a general prohibitory law.' So, I say this is an indication that the people do not want prohibition in Manitoba alone." Witness went on to say, "The point I make is this: 'It is generally taken that the people of Manitoba want prohibition for the province, because there is a feeling that way; but, I think, the large majority of the provinces do not care for prohibition, and I think the large majority of prohibitionists would not care for it in Manitoba, if in the rest of the Dominion the traffic were free."

The law authorizing the vote to be taken was passed in 1892, and was assented to by the Lieutenant-Governor of the Province on the 20th April, 1892. It was entitled "An Act to enable the electors of Manitoba to register their votes upon the advisability of the introduction of a law totally prohibiting the importation, manufacture and sale of intoxicating liquor as a beverage, into or in the Province of Manitoba." It is clear therefore that provincial prohibition only was contemplated.

The people of any city, or county, can by taking the necessary steps, adopt if, they are so disposed, the Canada Temperance Act, which prohibits the retail sale of intoxicating liquors for beverage purposes, within any city, town or county adopting it.

The Provincial Liquor Law (sections 51 and 52) provides that any city, town or other municipality may pass a by-law forbidding the taking of any money for licenses, which by-law shall remain in force for two years thereafter, and until repealed. A by-law having been passed by such municipality, the commissioners for licenses cannot issue a license for the sale of liquor therein. Such by-law is to be submitted to a vote of the electors of the municipality. The pre-requisite of this submission is a petition signed by twenty-five per cent of the resident electors, and three-fifths of the said electors have to vote in favour of the said by-law in order to give it effect. Of course, no liquor can be sold without a license under the existing law.

The people of Manitoba, therefore, have been at liberty for years past to adopt practical prohibition of the traffic (if prohibition is practicable at all) by the adoption either of the Scott Act or of the local option by-law. Two counties in the province, namely, Lisgar and Marquette, as far back as the years 1880 and 1881 adopted the Scott Act, but the law has practically remained inoperative.

Evidence was given before the Commission that many districts have adopted local option by-laws, and one witness stated that the Scott Act had been carried in three-fourths of the province (Q. 32094), and "prohibition," he said, is practically all over the province, and it seems to me that there is no very great difficulty in carrying out prohibition except in towns, especially in towns near the railway, where liquor can be smuggled in" (Q. 32098).* The same witness said that he considered a prohibitory law could be just as well enforced as the license law is now; in fact, he was inclined to think a little better.

It very naturally occurs to ask, why, with these facilities for putting in force prohibition in the Province of Manitoba, those favouring the adoption of that system of dealing with this question of the liquor traffic have not availed themselves of the opportunities which have lain within their reach for years past. A provincial prohibitory law would not get rid of the difficulties mentioned by the last witness in enforcing a prohibitory system; it would not prevent the smuggling of liquor over the boundaries of the province. Such a law would differ only slightly from the terms of the Scott Act and the local option law referred to. If it was carried so far as to prevent the manufacture of liquor within the boundaries of the province, and the importation into it of liquors for beverage purposes, exception would have to be made in favour of liquors required for medicinal, sacramental and mechanical purposes.

Under the Scott Act liquor may be manufactured and sold to be exported over the boundaries of the district adopting the Act, and across any neighbouring district

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*NOTE.—In regard to this evidence and the Scott Act in Lisgar and Marquette, see letter from Mr. Greenway, page 114.

or districts adopting the Act. It may be manufactured to be sold for the purposes just enumerated, namely, for medicinal, sacramental and mechanical purposes.

What advantage would be gained as regards the power of enforcing prohibition under a provincial law by which the manufacture within the boundaries of the province was forbidden, seeing that such manufacture might be carried on at any point just outside such boundaries, either in some of the other provinces or in the neighbouring districts of the United States, it is difficult to realize. If it is sought to prohibit the importation for personal use under provincial legislation, such a course would be without the support of any precedent, and in opposition to the views of many of the most advanced and experienced advocates of prohibition, and it is certain must raise a very serious constitutional question.

Many of the witnesses complained that the present law of the province is not enforced; that the necessary district inspectors have not been appointed by the Government, and the duty of enforcement by municipal officers was either entirely neglected or inefficiently performed.

It was stated that in the city of Winnipeg, where probably three-fourths of all the licensed places in the province exist, an attempt to put in force the Scott Act had never been made, and no evidence was given before this Commission to show that an effort had ever been made to submit a local option law to the people of the city. Yet the city of Winnipeg is said to have given, on the occasion of the last election, a large vote in favour of prohibition. The point was not raised before the Commission, but it might possibly be claimed by some that the conditions to be complied with, precedent to the submission of a local option law, are such as to make it a difficult matter to comply with them in such a city as Winnipeg. To such an argument it may justly be replied that if the Legislature of the province reflects what are said to be the sentiments of the population on this question of prohibition, it would not be difficult to secure an amendment to the law in that respect; and in this connection it is not irrelevant to point out that the conditions on which an inn or hotel license can be obtained in the city of Winnipeg are not more onerous than they are in the Province of Quebec. Then as to the appointment of inspectors, the provincial law contains a clause which authorizes any municipality to appoint an inspector or inspectors of license within the limits of such municipality, who shall have all the powers conferred by the Act upon inspectors for the purposes of prosecution, and in case any person is convicted of an offence against the provisions of the Act through the action of such inspector, or otherwise through the action of the municipality, the Provincial Treasurer is to pay to such municipality one-half of the fines recovered through such conviction.

It is highly probable that, although the people vote for prohibition, their representatives in the municipal councils object to incurring the necessary expenditure to give effect to prohibitory measures, and hence there is a continual effort to place the cost and responsibility of enforcing such laws upon others than the local authorities. That the Dominion Parliament should enact and enforce a prohibitory law is evidently the most popular view in those municipalities where the population favour prohibition. That course would have the effect of relieving the municipalities of some expenditure which they now incur, but whether it should be resorted to or a Provincial prohibitory law should be enacted, the municipalities as such, would be relieved of a certain amount of direct expenditure at least. The adoption of either course would almost certainly involve a resort to machinery for enforcing the law other than that employed for the enforcement of the ordinary criminal law of the country.

That is a view which may or may not be well founded, but the conclusion is irresistible that the people of this province have had it in their power to enforce prohibition of the traffic, if they had desired to do so, to a very much greater extent than they have done or apparently attempted to do.

In a letter from the honourable the Prime Minister of the province dated the 14th March, 1894, it is stated: "The only official action taken on the subject of prohibition since the vote upon that question in 1892, was a memorial passed by the Legislature in 1893, addressed to the House of Commons of Canada, a copy of which you will find in the Journals of the Legislative Assembly for that year, on pages 63 and 64. I am sending you a copy of the Journals for 1893 by this mail."

The following is a copy of the paper referred to:—

"To the honourable the House of Commons of the Dominion of Canada:

"The humble petition of the Legislative Assembly of the province of Manitoba, showeth:—

"1. Whereas, by an Act of the Legislature of the province of Manitoba, assented to by the Lieutenant-Governor on the 20th day of April, 1892, entitled: 'An Act to enable the electors of Manitoba to register their votes upon the advisability of the introduction of a law, totally prohibiting the importation, manufacture, and sale of intoxicating liquor as a beverage into, or in the province of Manitoba,' it was provided that at the then next ensuing general election of members of the Legislative Assembly, an opportunity should be given the electors of the province of Manitoba to record their opinions upon the advisability of the introduction of a law totally prohibiting the importation, manufacture and sale of intoxicating liquors in the province of Manitoba, by marking ballot papers either 'for prohibition,' or 'against prohibition,' and depositing such ballot papers in the ballot boxes at the time of such general election.

"2. And whereas, afterwards, in accordance with the provisions of the said last-mentioned Act, on the 23rd day of July, 1892, the day on which such general election was held, a majority of the electors of Manitoba voted under the provisions of the said Act, and recorded their opinions upon the question in the said Act set forth, and the result of said vote, according to the ballot papers marked and deposited in manner aforesaid, in so far as the same have been returned, was as follows:—

| | |
|---|---|
| "For prohibition | 18,637 |
| "Against prohibition | 7,115 |

"Thereby demonstrating that an overwhelming majority of the electors of this province, who then voted, are in favour of the total prohibition of the importation, manufacture and sale of intoxicating liquors as a beverage into or in the Province of Manitoba.

"3. And whereas the liquor traffic, and its results, is an evil that entails upon the people of this province an incalculable amount of loss and suffering, and is productive of vice, disease, and crime to a greater extent than any other cause;

"4. And whereas it is deemed to be the duty of this House to place upon record its strong condemnation of a traffic demoralizing in its tendencies, and calculated to retard and hamper the moral and material welfare of the province.

"5. And whereas it is further deemed to be the duty of the Legislature of this province to take steps to secure such legislation as will carry into effect the opinions of the electors of Manitoba as declared upon the 23rd of July last:

"6. And whereas, in view of the provisions of the constitution, and the legal decisions given thereupon, it is uncertain what the powers of this Legislature are in regard to the prohibition of the liquor traffic, and it is desirable to secure the total prohibition thereof;

"7. And whereas it further appears that the full legislative power in respect of the premises rests in the Parliament of the Dominion of Canada;

"8. And whereas this Legislature agrees to supplement, if necessary, any effective prohibitory liquor law passed by the Dominion Parliament by appropriate legislation;

"The petitioners therefore pray that your honourable body shall, with all convenient speed, enact a law prohibiting the importation, manufacture and sale of intoxicating liquor as a beverage, into or in the Province of Manitoba, and your petitioners as in duty bound will ever pray.

"The Assembly met on the second of February, 1893, and on the first of March proceeded to consider the vote taken on the question of prohibition.

"Hon. Mr. Sifton, seconded by Mr. Young, moved the adoption of the preceding petition to the Dominion House of Commons.

"After a lengthy recital and a referance to the vote taken, Mr. Davidson moved in amendment, seconded by Mr. Hartney,

"'Therefore be it resolved that a committee of this House composed of such members as are members of the Executive Council, be instructed to prepare a bill

to provide for the total prohibition of the traffic in intoxicating liquors in the Province of Manitoba, and that they specially report to this House.'

"This amendment was negatived by 10 yeas to 28 nays, when Mr. Martin, seconded by Mr. Frame, moved,

"'That all the words after 'that' be struck off and the following substituted therefor:—

"'Whereas in the session of 1892, an Act entitled an Act to enable the electors of Manitoba to register their votes upon the advisability of the introduction of a law totally prohibiting the importation, manufacture and sale of intoxicating liquors as a beverage into or in the Province of Manitoba' was carried, and

"'Whereas the promoters of the said Act have positively stated in the House that should the majority of the electors of this province pronounce in favour of such an Act to be introduced, that the same would be enacted accordingly, and

"'Whereas the people of the province were thereby made to believe that this House had the power to pass such a Prohibition Act, and

"'Whereas the electors of this province are desirous of having a Prohibitory Liquor Act carried by this House, and have the constitutionality of the same tested:

"'Therefore be it resolved

"'That a committe of this House, composed of such members as are members of the Executive Council, be instructed to prepare a bill to provide for the total prohibition of the traffic in intoxicating liquors in the Province of Manitoba, that they specially report to the House, and that such a Prohibitory Liquor Act shall only come into force by a proclamation of the Lieutenant-Governor in Council after having ascertained the constitutionality of the same.'

"This was also lost, the vote being, yeas 12, nays 25.

"The original petition of the Dominion House of Commons was then adopted, Mr. Martin being the only dissentient is a House of 37."

## NORTH-WEST TERRITORIES.

By 31-32 Vic., chap. 105 (1868), it was enacted:—

"It shall be competent to Her Majesty by any such Order or Orders in Council as aforesaid, on address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a date to be therein mentioned, be admitted into and become part of the Dominion of Canada; and therefore it shall be lawful for the Parment of Canada, from the date aforesaid, to make, ordain and establish within the land and territory so admitted as aforesaid, all such laws, institutions and ordinances, and to constitute such courts and officers as may be necessary for the peace, order, and good government of Her Majesty's subjects and others therein; provided thats until otherwise enacted by the said Parliament of Canada, all the powers, authoritie, and jurisdiction of the several courts of justice now established in Rupert's Land, and of the several officers thereof, and of all magistrates and justices now acting within the said limits shall continue in full force and effect therein" (section 5).

This Act was assented to on the 31st July, 1868.

By the 32-33 Vic. (1869), chap. 3, it was enacted:—

"2. It shall be lawful for the Governor, by any order or orders, to be by him from time to time made, with the advice of the Privy Council (and subject to such conditions and restrictions as to him shall seem meet), to authorize and empower such officer as he may from time to time appoint as Lieutenant-Governor of the North-west Territories, to make provision for the administration of justice therein, and generally to make, ordain and establish all such laws, institutions and ordinances as may be necessary for the peace, order and good government of Her Majesty's subjects and others therein; provided that all such Orders in Council, and all laws and ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively."

The Act provided for the appointment of—not exceeding fifteen nor less than seven—persons as a council to aid the Lieutenant Governor in the administration of the affairs of the territory.

The Act was continued in force until the end of the next session of the Dominion Parliament.

The laws in force in Rupert's Land and the North-west Territory at the time of their admission into the Union were, as far as they were not inconsistent with the British North America Act, to remain in force until altered by the Parliament of Canada, or by the Lieutenant Governor, under authority of the Act.

Public officers or functionaries, excepting the public officer at the head of the administration of affairs, were continued as public officers and functionaries of the North-west Territories, with the same powers and duties, until otherwise ordered by the Lieutenant Governor, under authority of the Act.

In 1870 the 33rd Vic., chap. 3, was passed and assented to on the 12th day of May, 1870. It was "An Act to amend and continue the Act, the 32-33 Vic., cap. 3, and to establish and provide for the government of the Province of Manitoba."

The 35th section of the said Act was as follows:—"And with respect to such portion of Rupert's Land and the North-west Territory, as is not included in the Province of Manitoba, it is hereby enacted that the Lieutenant Governor of the said Province (Manitoba) shall be appointed, by commission under the Great Seal of Canada, to be the Lieutenant Governor of the same, under the name of the North-west Territories, and subject to the provisions of the Act in the next section mentioned."

The Act referred to was the 32-33 Vic., chap. 3. It was re-enacted, extended and continued in force until the 1st day of January, 1871, and until the end of the session of parliament then next ensuing.

In 1871, by the 34th Vic., chap. 16, clause 4, the 32-33 Vic., chap. 3, and 33 Vic., chap. 3, were made permanent. The following is a copy of the clause:—

"All the laws in force in the North-west Territories at the time of the passing of this Act shall, so far as they are consistent with 'The British North America Act, 1867,' with the terms and conditions of the admission of Rupert's Land, and the North-western Territories into the Union, approved of by the Queen under the 146th section thereof, and with the said above-cited Acts and this Act, remain in force therein until altered by the Parliament of Canada, or by the Lieutenant Governor, under the authority of this Act."

In March, 1873, the Lieutenant-Governor of the North-West Territories, in Council, at a session of the Council assembled at Winnipeg, passed the following ordinance:—

"Whereas the giving, selling or bartering to Indians of spirituous liquors is subversive of public order and dangerous to the public peace, and the use or sale of such liquors in the North-West Territories is detrimental, not only to the Indian population and to the other residents therein; be it therefore enacted by the Lieutenant-Governor of the North-West Territories, by and with the advice of the Council of the said Territories, as follows:—

"1. The importation by any person or persons whatsoever into any portion of the North-western Territories, not being within the province of Manitoba, of any rum, whiskey or other spirituous liquor whatever, is prohibited; and any person who shall take, carry, send, bring or import, or have in his possession at any place within the said Territories, any such liquor as aforesaid, shall forfeit and pay a fine not exceeding £100, and such liquor shall be confiscated, and spilled on the ground by the officer seizing the same.

"2. Any Justice of the Peace, Quarantine or Peace Officer, constable or other person, with or without a warrant, and without any form of seizure, may take, confiscate and destroy all and any such spirituous liquors found or being within the Territories aforesaid.

"3. All fines imposed by this Act shall be recoverable before one Justice of the Peace, upon complaint, either oral or in writing, upon the oath of one credible witness, and one-half of the penalty imposed shall belong to the complainant, and one-half to the Government.

" 4. Provided always that nothing in this Act shall be held to extend to any such liquors on the way by sea or land into Manitoba or other province of the Dominion, through the said North-western Territories.

" 5. Provided always that wine for sacramental purposes may be introduced into the Territories on a permit from the Lieutenant-Governor in favour of any Priest, Minister or Missionary in charge of a recognized Missionary Station, or of the Bishops or other Ecclesiastical authority, and shall not be liable to seizure. And any such wine introduced for such purposes shall if seized be released on proof that the same was, *bona fide*, brought on for such purposes as aforesaid."

This ordinance was not confirmed by the Governor-General in Council, for the reason that the Dominion Parliament had passed, in 1873, an Act (36 Vic., cap. 39) dealing with the same subject, subsection 2 of section 1 of which ran as follows:—

" Spirits or strong waters or spirituous liquors of any kind are hereby prohibited to be imported into any part of the North-west Territories, under the like penalty and forfeiture as are provided by the Customs laws of Canada, with respect to articles the importation whereof is prohibited; nor shall any such spirits, or strong waters or spirituous liquors of any kind be manufactured or made in the said North-west Territories, or brought into the same from any province of Canada, except by special permission of the Lieutenant-Governor of the said Territories; and if any such spirits or strong waters or spirituous liquors are imported and manufactured in the said Territories, or brought into the same, in contravention of this Act, they may be seized by any officer of the Customs or Excise, or by any constable, wheresoever found; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may, on the evidence of any credible witness that this Act has been contravened in respect thereof, declare the same forfeited, and cause them to be forthwith destroyed; and the person in whose possession they were found may be condemned to pay a penalty not exceeding one hundred dollars, nor less than fifty dollars, and the costs of prosecution; and one half of such penalty shall belong to the prosecutor and the other half to Her Majesty for the public uses of the Dominion; and in default of immediate payment the offender shall be committed to the nearest jail or place of confinement for any time not exceeding six months, unless such fine and costs are sooner paid. No prosecution, conviction or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true meaning of this Act."

In the same year (1873) an Act was passed authorizing the embodying of the North-west Mounted Police.

In 1874 an Act was passed entitled " An Act to amend ' An Act to make further provision as to duties of Customs in Manitoba and the North-west Territories,' and further to restrain the importation or manufacture of Intoxicating Liquors into or in the North-west Territories." This Act (37 Vic. cap. 7) was assented to on the 26th May, 1874. In the clause amending the clause of the previous Act relating to the importation or manufacture of intoxicants, *wines, fermented and compounded liquors were included.* The maximum penalty for contravention of the Act was increased to $200, and provision was made for the recovery of penalties imposed, and for imprisonment in default of payment.

In 1875 the 38th Vic. chap. 49 was passed.

By the 7th clause of this Act the Lieutenant-Governor, by and with the advice and consent of the Council of the North-west Territories, was empowered to make, ordain and establish ordinances, relating, amongst other matters, to the licensing of inns and places of refreshment. A copy of all ordinances passed by the Lieutenant-Governor in Council was to be submitted for the approval of the Governor General in Council.

The Act provided for the establishment of electoral districts, for the holding of elections, and for the election of representatives to the Council or Assembly. Section 13, subsection 6, provided that, " When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease, and be determined, and the members so elected shall be constituted and designated as the Legislative Assembly of the North-west Territories, and all the powers by this Act vested in the

Council shall be thenceforth vested in and exercisable by the said Legislative Assembly."

Section 74 of this Act reads as follows: "Intoxicating liquors and other intoxicants are prohibited to be manufactured or made in the said North-west Territories, except by special permission of the Governor in Council, or to be imported or brought into the same from any province of Canada, or elsewhere, *to be sold, exchanged, traded or bartered, except by special permission in writing of the Lieutenant Governor of the said Territories*, and if any such intoxicating liquor or intoxicant is imported or manufactured or made in the said Territories, or brought into the same, or is sold, exchanged, traded or bartered in contravention of this Act, it shall be absolutely forfeited, and may be seized by any officer of the customs or excise, or by any constable or other duly qualified person wheresoever found; and on complaint made before him any Judge, Stipendiary Magistrate, or Justice of the Peace may, on the evidence of one credible witness that this Act has been contravened in respect thereof, order the said intoxicating liquor or intoxicant so seized to be forthwith destroyed; or in case of the same not having been seized, then, on complaint as aforesaid, such Judge, Stipendiary Magistrate, or Justice of the Peace, may issue a search warrant, as in cases of stolen goods under the Acts in force respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences, and upon the same being found may cause them to be forthwith destroyed, and the still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has been manufactured, imported or made, sold, exchanged, traded, or bartered, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the balance of the contents thereof, if such still, machinery, barrel, keg, case, box, package, receptacle, or vessel aforesaid, respectively can be identified, may be seized by any officer of the customs or excise, or by any constable or other duly qualified person, wheresoever found within the said Territories; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may, on the evidence of any credible witness that this Act has been contravened in respect thereof, declare such intoxicating liquor or intoxicant, still, machinery, vessel, or receptacle forfeited, and cause the same to be forthwith destroyed; and the person in whose possession any of them are found may be condemned to pay a penalty not exceeding one hundred dollars, nor less than fifty dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor and the other half to Her Majesty."

Penalties for infringements of this clause are embodied in the Act, with a definition of what should be considered intoxicating liquor.

In 1876, 39 Vic., chap. 18, "An Act to amend and consolidate the laws respecting Indians" was passed. It was made to apply to all the provinces and to the North-west Territories, including the Territory of Keewatin.

It contained the usual prohibitions against supplying intoxicants to Indians which had applied to other portions of Canadian territory, with penalties for infringements of the law, all of which are to be found in sections 79 to 85 of the said Act.

This Act was amended in 1880 by 43 Vic., chap. 28; but all the prohibitory conditions against the sale of intoxicants to Indians were retained and slightly enlarged. In the same year an Act, 43 Vic., chap. 25, was passed to amend and consolidate the several Acts relating to the North-west Territories. Such clauses of the Act passed in 1875 as related to the prohibition of intoxicants were retained. The penalties in some instances were increased, and it was provided by sub-section 2 of section 90: "That the Lieutenant-Governor of the said Territories shall make an annual return up to the thirty-first December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicants in each case, to the Minister of the Interior, who shall lay the same before Parliament."

In 1886, by 49 Vic., chap. 43, the Acts relating to Indians were consolidated. The prohibitions against supplying liquor to Indians, &c., were all retained.

By 49 Vic., chap. 50, the statutes relating to the North-west Territories were consolidated, the clauses relating to the prohibition of intoxicants to Indians previously referred to being retained.

In 1887, 50-51 Vic., chap. 33, the Indian Act was amended. The only clause affecting the liquor question related to the arrest of Indians found in a state of intoxication, and to the manner in which they should be brought to trial.

In 1888, 51 Vic., chap. 19, "An Act to amend the Revised Statutes of Canada, chapter fifty respecting the North-west Territories," was passed. By section 18 the following sub-section was added to that Act:—

"Every vehicle on which any such intoxicating liquor or intoxicant is imported or conveyed into or through or over any portion of the Territories, contrary to the provisions of this Act, shall, together with the horses or other cattle employed in drawing any such vehicle as aforesaid, be forfeited to Her Majesty and may be seized and dealt with accordingly."

In 1888, by 51 Vic., chap. 22, "An Act further to amend the Indian Act, chapter 43 of the Revised Statutes," was passed. The clause of the previous Act relating to the supplying of intoxicants to Indians was repealed and the following substituted:—

"Every one, who by himself, his clerk, servant or agent, and every one who in the employment or on the premises of another, directly or indirectly, on any pretence or by any device, sells, barters, supplies or gives to any Indian or non-treaty Indian any intoxicant, or causes or procures the same to be done, or attempts the same or connives thereat, or opens, or keeps, or causes to be opened or kept on any reserve or special reserve, a tavern, house or building in which any intoxicant is sold, bartered, supplied or given, or who is found in possession of any intoxicant in the house, tent, wigwam, or place of abode of any Indian or non-treaty Indian, or of any person, or upon any other part of the reserve or special reserve, or who sells, barters, supplies, or gives to any person on any reserve or special reserve any intoxicant shall, on summary conviction before any judge, police magistrate, stipendary magistrate, or two justices of the peace, or Indian agent, upon the evidence of one credible witness other than the informer or prosecutor—or in the Province of Manitoba, the Province of British Columbia, the North-west Territories, or the District of Keewatin, upon the evidence of the informer alone, if he is a credible person—be liable to imprisonment for a term not exceeding six months, and not less than one month, with or without hard labour, or to a penalty not exceeding three hundred dollars and not less than fifty dollars with costs of prosecution, or he shall be liable to both penalty and imprisonment, in the discretion of the convicting judge, magistrate, stipendiary magistrate, justices of the peace, or Indian agent; and a moiety of every such penalty shall belong to the informer or prosecutor, and the other moiety thereof shall belong to Her Majesty to form part of the fund for the benefit of that body of Indians or non-treaty Indians with respect to one or more members of which the offence was commited."

By 54-55 Vic., chap. 22 [1891] the Act 49 Vic., chap. 50, was amended as follows:—"Section ninety-five of the Act is hereby repealed and the following substituted therefor:—'Every person who, without special permission as aforesaid issued to him, manufactures, makes, compounds, imports, sells, exchanges, trades, or barters any intoxicating liquor or intoxicant, or in whose possession or on whose premises any intoxicating liquor or intoxicant of any kind is found, without such special permission issued to him, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, a moiety of which penalty shall belong to the person laying the information."

This Act [1891] contained the following clause:—"Notwithstanding anything in this Act or the said Act contained, the Legislative Assembly may, by ordinance, repeal the provisions of sections twenty-six to forty, both inclusive, and also, in so far as they apply to the territories comprising the several electoral districts mentioned in the schedule to this Act, the provisions of sections ninety-two to one hundred, also both inclusive, of the said Act, together with all amendments thereto, and may re-enact the said provisions or substitute other provisions in lieu thereof."

The sections ninety-two to one hundred applied to the prohibition of intoxicants,

The mounted police were given most extensive powers for the enforcement of the law relating to the liquor traffic. By the 15th section of the Act of 1873, 36 Vic., chap. 35, the commissioner and every superintendent of police was made *ex officio* a justice of the peace, and every constable and sub-constable was made a constable in and for the whole of the North west Territory, and was empowered to execute the office in any part thereof.

By an Act passed in 1874, 37 Vic., chap 22, section 15, the commissioner of police was given all the powers of a stipendiary magistrate, and all inspectors and such other officers of the force as might be approved by the Governor in Council were appointed to be *ex officio* justices of the peace.

At a later date the assistant commissioner was also given the powers of a stipendiary magistrate.

The police force were also given the power, upon information or upon reasonable grounds for suspicion, to enter any shop, store, hut, tent, wigwam, dwelling or building, or place or enclosure, and also to enter and for such purposes stop and detain any vessel, canoe, carriage, wagon, cart, sleigh, or other vehicle or means of conveyance of any description, and to dig in, rummage and search all parts thereof for any kind of spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors, or intoxicating liquor of any kind and to break up and utterly destroy any vessels found containing any such intoxicants, and to spill, waste and utterly destroy the same forthwith. (41 Vic., chap. 36, 1879).

These extended extracts from the laws of the Dominion bearing upon the liquor question in the North-west Territories are given with a view to showing as fully as possible what the law in reference to the traffic was at the date the power to deal with it was transferred to the Legislative Assembly of the North-west Territories.

By the law of 1873 the importation and manufacture of spirits and spirituous liquors of all kinds into or in the North-west Territory was prohibited except by special permission of the Lieutenant-Governor of the said territories.

In 1874 wines and fermented and compounded liquors were added to the list of intoxicants previously prohibited.

In 1875 the law was changed, and the manufacture of intoxicating liquors and other intoxicants in the Territories was prohibited except by special permission of the Governor in Council, or to be imported or brought into the same from any province of Canada or elsewhere to be sold, exchanged, traded or bartered, except by special permission in writing of the Lieutenant-Governor of the said Territories. It is important to notice the introduction of the words "to be sold, exchanged, traded, or bartered" into the legislation of this year, as they enlarged the powers of the Lieutenant-Governor under the permit system.

Prohibition against giving and selling, etc., to Indians was continued, and still remains in force.

In 1884, the Council of the North-west Territories passed the following resolution, a copy of which was forwarded by the Lieutenant-Governor to the Dominion Government:—

"That, in the opinion of this Council, the rapid increase of the population in these territories has caused a necessity for some modification of the liquor law as at present in force. While acknowledging that the permit system has worked well in the past, and has been attended with good results, it appears to this Council that the system at present in force might be varied, so that beer and light wines should be excepted from the prohibition clauses of the North-west Territories Act; and that the manufacture of beer in the Territories may be permitted under regulations to be made by Your Excellency in Council."

On the 4th December, 1888, the Legislative Assembly, after discussion, passed by a vote of 13 yeas to 7 nays, the following resolutions, which were forwarded by the Lieutenant-Governor of the Territories, for the consideration of the Governor General in Council:—

"Whereas, on the 23rd of November, 1888, this assembly decided that a vote of the people should be taken on the question of License *vs.* Prohibition,

"And whereas it has been decided that this assembly has not the power to make provision for taking such a vote,

"Be it resolved that in the opinion of this assembly a vote of the Territories on the question of License *vs.* Prohibition should immediately be taken;

"That in the event of provision for the taking of such vote not being made by the Dominion authorities at the next session of the Dominion Parliament, it is the opinion of this Assembly that powers similar to those enjoyed by provinces under the British North America Act in respect of the liquor question should forthwith be granted to this Assembly."

At a meeting of the Legislative Council held on the 21st October, 1887, it was resolved that Messrs. Turriff, Cayley, Lauder, Hughes, Ross, Jelly, and Messrs. Haultain and Wilson, be a special committee to take into consideration and report on the present state of the liquor law.

On the 18th November the committee made the following report:—

"Whereas, in the opinion of this council the present liquor system is unsatisfactory and ineffective, either as a temperance or prohibitory measure;

"And whereas, on account of the disfavour in which the present law is regarded and its consequent ineffectiveness, a large traffic in illicit liquor has sprung up, to the great detriment of the country morally and financially;

"And whereas the reasons for the introduction of the present law have ceased to exist, and with them the necessity for the law;

"And whereas, apart from any question of principle, the people of the Territories are united in the opinion that the time has come when they should be allowed to pronounce of themselves on the important subject of the liquor question;

"Resolved, that this council is of opinion:

"(*a.*) That power to deal with the liquor question similar to that enjoyed by provinces under the British North American Act be given to this council;

"(*b.*) That the provisions of the Canada Temperance Act be extended to the Territories, and that the present provisional districts of Assiniboia, Saskatchewan and Alberta be districts under the said act;

"(*c.*) That sections 92 to 100 of the North-west Territories Act be repealed, such repeal not to come into effect until one month after the close of the next session of the North-west Council or Assembly."

A copy of the resolution voted upon, upon the recommendation of the committee, was forwarded to the Dominion Government.

On the same day it was moved by Mr. Turriff, seconded by Mr. Crawford, "that the issue of permits except for medicinal, scientific, sacramental and mechanical purposes, be discontinued." Only the mover and seconder voted for this resolution, and the remainder of the members of the council present, fifteen voted against it.

On the 31st October, 1888, the first session of the first Legislative Assembly of the North-west Territories was held. The Lieutenant-Governor, in his address to the Assembly, pointed out the desirability of devising means by which the cause of temperance might be most effectually served, consistently with the exercise of the rights of the inhabitants of the Territories as British subjects. He said: "Whether exceptional legislation is to be continued or not is a matter upon which you as representatives of the people, have the sole right to speak with any degree of authority." And added that he would be happy to transmit any resolution or representation which the Assembly might think fit to pass to the honourable the Privy Council at Ottawa.

In response to the address of His Honour, the Legislative Assembly said: "The cause of temperance is one which we are glad to learn Your Honour proposes we should deal with. It is one which the present laws of the Territories do not deal satisfactorily with. Any resolution or representation to the honourable the Privy Council at Ottawa, which this Assembly may feel called upon to make, will be framed solely with a view to the temporal and moral interests of the community."

There was much discussion on the subject of the liquor laws during the session. A committee was appointed to report upon the advisability of taking a vote of the people to ascertain whether a prohibitory or license system was most desirable.

The committee reported in favour of having such a vote taken. There were several amendments moved to the report, and the committee was instructed to make a full recommendation as to the best method of securing "a full franchise," how the expense of taking a vote was to be provided for, how long the vote should hold good, providing for punishment of bribery and corruption, whether the vote should be an open one or by ballot, and an estimate of the total cost of the election. The committee made a further report, in which they estimated the total cost of the election to be $3,000.

The Assembly decided to refer to the legal experts of the Legislative Assembly for their opinion on this question:—

"Has this Assembly a legal right to take a vote of the people on license or prohibition?"

The legal experts presented to the Assembly on November 30th, a report, the concluding paragraph of which was to this effect:—

"The only answer to the question propounded to the experts—after giving the subject their best consideration—is that the power to legislate in the direction suggested is not vested in the Assembly."

On the 4th of December, it was moved by Mr. Reaman, and seconded by Mr. Neff: "That this Assembly memorialize the Dominion Government to pass such legislation at its next session, as will give this Assembly the full power to deal with the liquor question in the Territories."

It was moved in amendment that the following should be substituted, and the amendment was, by a vote of thirteen to seven, adopted:—

"Whereas on the 23rd of November, 1888, this Assembly decided that a vote of the people should be taken on the question of license *vs.* prohibition;

"And whereas it has been decided that this Assembly has not the power to make provision for taking such a vote;

"Be it resolved that in the opinion of this Assembly, a vote of the Territories on the question of license or prohibition should immediately be taken;

"But in the event of provision for the taking of such a vote not being made by the Dominion authorities at the next session of the Dominion Parliament, it is the opinion of this Assembly that powers similar to those enjoyed by provinces under the British North America Act in respect of the liquor question should be forthwith granted to this Assembly."

This expression of the views of the Assembly was forwarded to the Secretary of State at Ottawa for the consideration of the Governor General in Council.

In the third session of the Legislative Assembly, on the 4th November, 1890, it was moved by Mr. Richardson, seconded by Mr. Plaxton:—

"That His Honour the Lieutenant-Governor be respectfully requested to discontinue the permission now being granted by him under the provisions of section 92 of the North-west Territories Act for the sale of beer." On the question being put, the House divided, and the names being called it was found that two members voted for the adoption of the motion, and eighteen against it.

In his address at the opening of this session of the Legislative Assembly, the Lieutenant-Governor stated that the North-west Mounted Police Force was entitled to special thanks for the valuable assistance they afforded in connection with the regulations governing the importation of liquor into the Territories, and their continued efforts to suppress illegal traffic in intoxicants.

A general election of members of the Assembly was held on the 31st October, 1891, and the first session of the second legislature was opened on the 10th December, 1891. The Act of the Dominion Parliament conferring upon the North-west Legislative Assembly the power of legislating in respect of intoxicating liquors within the electoral districts of the Territories had been passed. It received the Royal assent on the 30th September, 1891.

On the 14th December a motion was made in the Assembly to appoint a committee to prepare and bring in a bill respecting the sale of intoxicating liquors and the issue of licenses therefor. An amendment was moved to the effect that the authority to deal with the question had only been vested in the Assembly for a short

time before the recent elections, and therefore the electors had not had due opportunity of considering the question as a matter under local control, and as the members of the Assembly had not been elected with a regard only to the question of amendment, repeal or substitution of the Dominion Act, there being no definite proposition before the electors, the Assembly was not in a position to say definitely what the wish of the majority of the people of the Territories was, and that no legislation should be passed amending, repealing or substituting for the sections of the Dominion Act 92 to 100, until such proposed amendment, repeal or substitution had been accepted or rejected by a majority vote cast by the electors. This amendment was rejected by a vote of 15 to 9, and the main question was carried by a vote of 17 to 7.

A bill authorizing the granting of licenses for the sale of intoxicating liquors was finally introduced and discussed at various sittings of the Assembly, sundry amendments being proposed, some of which were adopted. On the 20th January, 1892, when the Bill came up for the third reading, it was moved "That the bill be not now read a third time, but that the bill be read a third time this day six months." For the amendment there voted the proposer and seconder of the resolution and one other member—three in all—and against it twenty. It was then ordered that the bill pass, and be entitled, "An Ordinance respecting the sale of intoxicating liquor and the issue of licenses therefor." The Ordinance received the assent of the Lieutenant-Governor on the 25th January.

At a sitting of the Legislative Assembly on the 29th December, 1892, on the consideration of a bill to amend the Liquor License Act, it was moved by Mr. Knowling, and seconded by Mr. Oliver, "that no license of any kind shall be issued under this ordinance, unless there be within a radius of two miles of the proposed licensed premises not less that fifteen householders." The Journals of the Legislative Assembly simply report that, "The question being put upon the amendment, it passed in the negative."

These somewhat extended extracts from the proceedings of the North-west Assembly demonstrate that the representatives of the people dealt with the question very deliberately. The advocates of prohibition complain that the question was not referred to a vote of the electors of the territories. It is difficult to realize that such a vote, had it been taken, would have had any influence whatever upon the action of the legislature. The representatives of the people in the assembly were authorized by the Dominion Act to deal with the question, and unless it is to be supposed that the taking of a plebiscite resulting in a majority of the electors declaring themselves in favour of prohibition, or, in other words, as averse to a change in the law then existing, would have deterred the legislature from dealing with the subject at all, or so influenced the minds of the members as to have led them to deal with it otherwise than in the manner in which they did, the result must have been exactly what took place.

From the course adopted by some of the advocates of prohibition, it would almost seem as if they had intended that a vote of the electors taken as had been suggested should settle the question for some fixed period, and that it should thereby be removed practically from the jurisdiction of the legislature.

It will be seen from what has been said that the Dominion Government was urged for several years before the final action was taken, to give to the territorial assembly the power of legislating in regard to the liquor traffic. That power was no sooner given than it was availed of to put an end to the prohibitive system in force in the territories, and it is impossible to come to any other conclusion than that the action of the assembly was in accord with the views of the great majority of the electors; and to charge the executive of the territories, as has been done by some of the representatives of the prohibition organization in the country, with acts of maladministration is, in the opinion of this Commission, not justified by any evidence which they have been able to collect.

The preceding statements give the history of prohibition in the North-west. It may be said to have practically existed for a period of twenty years, modified only by the powers vested in in the Lieutenant Governor to grant permits for the impor-

tation of liquors, at first very sparingly exercised, but, as population collected in the territories, by sheer force of circumstances, more extensively resorted to. The exercise of this power by the Lieutenant-Governor could never have been other than a source of annoyance and trouble.

When the white population was only a few thousands it is easy to see that the difficulty would be only comparatively slight, but as population increased, between the action of those who desired to see no permits issued and those who desired to obtain permits, and the difficulty of granting them in one case and refusing them in another, the representative of the Crown must have been placed in a most invidious and unenviable position. As His Honour Lieutenant-Governor Royal remarked in the paper which will be found printed with the evidence taken in the Territories, "While it was an easy task for the Lieutenant-Governor in a small community to promptly investigate any application for a permit, it will readily be seen how well-nigh impossible such an investigation would become as soon as the white population had reached the thousands." His Honour describes the course he adopted in carrying out the law, and it is difficult to realize in what manner it could have been improved. He says:—"As a natural consequence of the settlement of the Territories, and of a deeply altered condition of society, the necessity of a corresponding change in the laws that governed the country became apparent, and none so much as the liquor enactment applicable to the white settler."

The original intention of the law was to protect the Indians. To do this, and to meet the wishes of the white settlers, was the question which, doubtless, the framers of the law hoped to settle when they adopted the permit system. When that system was so changed as to cover sales as well as importations, it became in reality a limited license law, without many of the safeguards which are usually placed around a measure of that character. Lieutenant-Governor Royal seems to have realized this fact, for he says:—"While the Privy Council retained to itself the power to permit the manufacture of intoxicants in the Territories, all the powers generally vested in lincensed bodies concerning the traffic were centralized in the Lieutenant-Governor's hand. This official was left to use his own discretion in granting exemption; the law did not preclude him from doing so; he was not circumscribed in his action. At the same time, he could not systematically refuse to issue such exemptions, and thereby ignore the intention of Parliament. Had the intention been to make the law prohibitory, the language of the statute, no doubt, would have been different, and the exemptions to be made by the Lieutenant-Governor would have been severally stated and carefully mentioned. On the other hand, such an enactment was desirable and possible only in a country where the white man had hardly penetrated. As a matter of fact, the white population of the Territories in 1875 was very small indeed, and consisted chiefly of the missionaries and employees of the missions, of some fur traders, of the officers and men of the Hudson Bay Company's forts, and of a limited number of settlers and officials of the North-West Government."

A perusal of the evidence taken by the Commission will show the demoralizing state of affairs which existed under the system in force in the North-west Territories after the population began to flow into the district. The active and efficient police force confessed themselves unable to prevent smuggling, which was carried on most extensively, and the vilest compounds were distributed and used as beverages by the population. Pain-killer, eau de Cologne, red ink, and other substances highly detrimental to health, were resorted to, and when such figures as are obtainable in regard to the importations of intoxicants into the Territory are referred to, it should constantly be borne in mind that there are no statistics of the quantities smuggled and sold illicitly prior to the adoption of the license system.

In the fall of 1891 the whole question connected with the liquor traffic came before the Legislature of the Territories. A license law was then enacted, known as "The Liquor License Ordinance of 1891-92." By it the country is divided into license districts, and the licensing body is a Board of Commissioners, composed of three persons, appointed by the Lieutenant-Governor in Council, for each licensing district, who are removable at the pleasure of the Lieutenant-Governor in Council.

The licensing inspectors comprise a chief inspector, appointed by the Lieut.-Governor in Council, and one or more inspectors appointed by the Board of License Commissioners. Hotel licenses and wholesale licenses are granted. It is provided that in the incorporated towns, no business other than liquor business, except the sale of cigars and tobacco, shall be carried on in any premises covered by the license.

Licenses are issued under the direction of the Board of License Commissioners for the district in which the premises are situated. The Board, it is provided, shall sit during the month of May, and deal with the following matters: Fix and define the conditions and qualifications requisite to obtain hotel and wholesale licenses; regulate the hotels and wholesale premises to be licensed, and fix and define the duties, powers and privileges of the inspectors of licenses for the district. At that meeting protests shall be heard against applications, and as far as possible protests shall be tried in the locality for which the application for license is made.

On the first of April yearly the chief inspector shall advertise a list of all applications received for each hotel, showing the name of each applicant, description of license applied for, and the place sought to be licensed, together with a notice of the time and place of the meeting of the commissioners to consider such application. The chief inspector shall also send to the inspector of each district a list of all applications made in his district; and the instructor shall proceed to inspect the premises of each applicant and report to the Board. Each applicant is obliged to file a petition setting forth that he is an applicant, and for what premises; and it is provided that, "if the premises for which a license is sought are outside of town municipalities, the petition shall further set forth that the petitioner produces the recommendation of ten out of the twenty householders nearest to such premises," as well as certain affidavits that the applicant is 21 years of age, and has never been convicted of felony; also an affidavit from the "respectable neighbours," stating that the applicant is personally known to them, is of age, has never been convicted of felony and is a man of good moral character and temperate habits. A bond is also demanded from the applicant, and he is compelled not only to pay the Territorial license fee, but "5 per cent thereof, in addition to the prosecution fund."

The license fees are as follows: Hotel license, $200; wholesale license, $200; for bottling works where lager or ale only is bottled, a fee is payable of one-half the amount charged for a wholesale license. Town municipalities may, by by-law, require each licensee to pay towards municipal revenue such sums as they may determine, not exceeding the amount of territorial duty payable on such license. No license shall be granted to a married woman, unless she be the owner or tenant in her own right of the premises for which the license is sought.

Objection can be taken to the granting of a license, if made by any seven or more out of the twenty householders residing nearest to the premises in a municipality for which a license is asked. The objections taken may be one or more of the following: That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited his license; or that the premises in question are out of repair, or have not the necessary accommodation required by law, or reasonable accommodation, if the premises be not subject to the said requirements; that the licensing thereof is not required in the neighbourhood; or that the premises are in the immediate vicinity of a place of public worship, hospital or school; or that the quiet of the place in which such premises are situated will be disturbed if a license be granted; or for other valid reasons which may be shown. The petition embodying these allegations must be sent to the chief inspector with $10, which shall be placed in the trust fund, and in case the protest is successful, shall be returned, and if unsuccessful, the amount shall be paid into the general fund. Every hearing of a protest shall be open to the public, and the applicant must attend in person.

Further provisions are contained in the Act by which protests may be entered. The council of the municipality may authorize a representative to appear and oppose the granting of the license. The Commissioners may also of their own motion, whether a protest has been filed or not, take notice of any matter which would be an objection to the granting of a license. No license shall be granted to any applicant within two years of the date of a refusal.

In addition to the provisions respecting the filing of objections and entering of protests against the granting of licenses, the law contains local option clauses. These provisions are :—

"No license shall be granted by the Board for the sale of liquors within the limits of a license district, when it shall have been made to appear to the Board that a majority of three-fifths of the duly qualified electors therein, who have voted at a poll taken, have declared themselves to be in favour of a prohibition of the sale of intoxicating liquors in their district, and against the issue of licenses therefor."

It is also provided that a vote shall be taken when a requisition is presented to any Commissioner, accompanied with the sum of $200 to defray the expenses of the poll, the requisition being signed by at least one-fifth of the total number of electors in the district, the basis of such estimate being the number of electors who voted at the last election of a member of the Legislative Assembly. The vote is to be taken by a ballot in the manner provided by the Canada Temperance Act.

It is further provided that, in case of any such vote being taken, then no new vote shall be taken for a period of three years thereafter.

The law contains provisions respecting adulteration of liquor. In case of conviction for such an offence, the party is liable to a penalty not exceeding $50. If the license of the offender is not forfeited, and inspector or constable of the district "shall cause a placard, stating such conviction, to be affixed to the premises; and be of such size and form as the convicting justice may think fit, and it shall remain posted for two weeks."

Liquors may be seized and analysed. The inspector may enter the premises at any time. He may also "examine every room and every part of such premises, and take an account of all liquor therein, and may demand, select and obtain samples of any liquor there."

The law likewise contains provisions for the interdiction of habitual drunkards.

The number of licenses is restricted. In towns and municipalities, where the population does not exceed 500, not more than two hotel licenses may be granted, and not more than one additional license shall be granted for each 500 of the population.

That these changes in the methods of dealing with the liquor traffic were called for by the population, this Commission have seen no reason whatever to doubt; but on the contrary they are led to conclude from their investigations that the Legislative Assembly of the Territories fully and fairly represented the public sentiment when it enacted this law.

Mr. McKay, member of the Legislative Assembly, and a native of the Territories, presented the situation in these terms when before the Commission:—"Before the permit system came into force there was free trade in liquor in the country. The Indians came around the forts, stayed for a time, and got what liquor they could, and then went to the hunting grounds. There was free sale among white people. When the Hudson Bay Company stopped the sale in 1865, it was still supplied by traders. Men peddled liquor between Prince Albert and York Factory." (Q. 36059–36070.)

The Hon. Justice McLeod, than whom no higher authority on North-western affairs can, perhaps, be found, for, as Col. McLeod, he commanded the North-west Mounted Police force from 1876 to 1889, gave evidence before this Commission; and speaking of the permit said :—"The idea was to stop the traffic with the Indians. We (the North-west Mounted Police force) came into the country in October, 1874, and before that time I believe there was a good deal of drinking among the Indians." (Q. 38187–38188.)

Two facts seem clearly established: First, that the prohibitory feature of the law was intended to apply to and protect the Indians, while the permissive feature was embodied in the statute to cover the case of the white population; second, that absolute power to regulate the supply for the white population was entrusted to the chief executive officer of the Territories, "by placing in his hands the power to dispense with certain provisions of the statute."

The system appears to have worked in a satisfactory manner during several years, and, in fact, until immigration commenced to flow in considerable volume into the country.

Lieutenant Governor Royal said that "for seven years and more the law of 1875 brought about all the good results that the legislation had anticipated."

The Hon. Justice McLeod stated:—"At first there were no difficulties at all in enforcing the prohibitory law. Subsequently, however, people came in, and liquor was brought in, and we had more trouble."

Commissioner Herchmer, in command of the North-west Mounted Police, testified that "There was less drunkenness during the early days, when the permit system was in force, and when it was difficult to get liquor."

Mr. Justice Richardson said:—"The permit system worked very well formerly; latterly there were complaints of gross abuse of permits." (Q. 34271-34272.)

Mr. Hayter Reed, Indian Commissioner, considered that the permit system "Worked very well in early times; latterly not so well." (Q. 34303.)

Mr. Justice McGuire said:—"In the early history of the country, when settlers were few and easily known by the Lieutenant-Governor and those about him, the permit system was exercised wisely, and discretion could be used in issuing permits. As the population increased, and more strangers came into the country, persons of whom the Lieutenant-Governor knew nothing got liquor, and permits were obtained by persons who were really dealers in liquor." (Q. 35375.)

Supt. Perry, of the North-west Mounted Police, testified that "In the early days the prohibitory law seemed very effective; that was before the introduction of railways." (Q. 35244.)

These opinions, extracted from the evidence before this Commission in the North-west, are emphasized by the report of officers of the North-west Mounted Police embodied in the Commissioner's reports from year to year. The value of the reports is enhanced by the fact that they were made by police officers stationed in different parts of the North-west Territories, and the opinions expressed were based on the local situation, and must be considered reliable and impartial.

Superintendent Steele, in his report of 1888, said: "The reason of passing the prohibitory act was to prevent the sale of intoxicants to Indians, and for that purpose it answered very well, as it was then. Six months after the arrival of the police in 1874 the illicit traffic was suppressed, and no serious trouble has been caused since from the drunkenness of the Indians. But when the same law is applied to the whites it is quite another thing."

Superintendent Perry, summarized the result in these words, "The early effects of the law are acknowledged by all to have been most beneficial, and to have been the chief cause of the peaceable settlement of the country."

Superintendent Cotton, in 1889, reported: "In the early days prohibition was a necessity. It was an important factor in maintaining peace among the Indians. The half-breed element also benefited by it."

Superintendent McIllree dealt with the whole subject very fully in his report of 1890. He said: "Years ago the prohibitory law was a necessity, and fulfilled what it was expected to do, namely, rescued the native population from the state of degradation they were in, from being able to obtain unlimited supplies of alcoholic beverages in trade for robes."

Superintendent Jarvis said that the prohibitory system "served its purpose in the early days of settlement."

That it was not applicable to a white population is obvious from the record of its attempted enforcement during subsequent years, when immigrants commenced to arrive in considerable numbers in the territories. These settlers had been accustomed, speaking generally, to use alcoholic beverages in their former homes, either

in Europe or in the older provinces of Canada. An agitation was commenced against the prohibitory law, which was maintained until a license law was finally enacted. Meanwhile the composition of the population of the territories was being gradually changed. This is illustrated by the following figures:—

*Dominion Census*, 1880–81—*Rupert's Land.*

| | |
|---|---|
| Indians | 49,472 |
| Whites, including half-breeds | 6,974 |

*Dominion Census*, 1885—*Provisional districts of Assiniboia, Saskatchewan and Alberta.*

| | |
|---|---|
| Whites | 28,192 |
| Indians | 20,170 |

*Dominion Census*, 1890–91—*Same Provisional Districts.*

| | |
|---|---|
| Whites | 53,046 |
| Indians | 14,508 |

It is important to consider somewhat in detail the permit system, and the manner in which it was endeavoured to be carried out during comparatively recent years. It has already been established that by the terms of the Act the exercise of the permissive provision incorporated in the prohibitory law was placed altogether in the hands of the chief executive officer of the Territories, the Lieutenant-Governor, without recourse. The practical working of the system may be now indicated. Application for a permit was made to the Lieutenant-Governor in writing, the application setting out the number of gallons required and the nature of the liquor. If the applicant was unknown personally to the Lieutenant-Governor, he required the party to be recommended by some well-known citizen. As the population increased, this safeguard became difficult of application. Accordingly, His Honour sought to obtain, in such cases, the recommendation of the local member of the district from which the application was received. If this plan could not be carried out, the application was referred to the police superintendent of the district for a report. In this way it was sought to prevent liquor being obtained by parties who would sell it, and at the same time to check habitual drinkers.

Many difficulties presented themselves in working this system. It is obvious that applicants would generally be unknown personally to the Lieutenant-Governor as immigration flowed into the Territories. The local members did not favour this system, by which they were called upon to endorse the application of constituents; and one of the leading members of the Assembly admitted to this Commission that he made it a rule to endorse every application submitted to him. Again, the reference of applications to police officers for their report tended to increase the odium cast upon them by the people generally in connection with the enforcement of the liquor law. Moreover, if the applicants failed to obtain permits, they were able to secure smuggled liquor from the United States in the early days, and from Manitoba or British Columbia during later periods, importers of such smuggled liquor being constantly on the alert to secure customers, and thus reap immense profits. Then, again, frauds were of common occurrence in regard to the use of the permits themselves. A common plan followed was that of sending the permit east to be filled, and arranging for it to be inclosed in the package sent into the Territories. If the officer happened to find the permit when the package was opened, it was cancelled; if he failed to find it, it was liable to be used for an additional supply at a later date.

Legal questions that arose in connection with the permit system increased the difficulties attending its enforcement. By a decision given by Mr. Justice Rouleau, at Calgary, it was decided that one man could be in possession of any quantity of liquor, provided some one had received a permit for it and given it to the holder. Consequently a saloon-keeper was provided by his friends with all the permits he required.

Commissioner Herchmer, in his report of 1888, referred to this ruling, and said: "A saloon-keeper of any experience keeps about enough liquor on his premises to fill his permits, and whenever 'pulled' by the police he produces his permit or those of his friends, and keeps his reserve stock of contraband liquor in hay stacks and manure heaps, closets and other hiding places of the same sort. Consequently it is impossible for the force I command to do much." In 1890, the commissioner reiterated his complaint, and said: "The fact that counterfoils furnished, belonging to other people, can protect liquor, almost completely kills the enforcement of the North-west Act, in spite of the efforts of the Lieutenant-Governor of the North-west Territories to prevent the transfer of permits, and places the police in a most unfortunate position. In fact, as at present interpreted, it is impossible to enforce the Act."

Superintendent Steele, in the same year, reported that "None of the saloon-keepers have any trouble in borrowing a permit to cover any liquor they may have in the house at the time it is searched."

Mr. Justice Rouleau, when asked by the Commission the effect of the decision to which reference has been made, summarized as follows: "If I bring in liquor under a permit from the Lieutenant-Governor, it is legally imported, and it belongs to me, and there is no objection to my giving it to a neighbour, or giving a man a bottle, if I like, so long as the quantity covered by the permit is not exceeded. It does not make the action illegal or illicit to give the liquor away." (Q. 37503).

Mr. R. B. Gordon, secretary to the Lieutenant-Governor, explained the difficulties experienced in issuing permits, and detailed the system followed (pp. 228–232). He said that the Lieutenant-Governor "found it impossible to enforce the law so far as regards permits." He pointed out that it was impossible to distinguish between the applications that should and should not be granted; that the Lieutenant.-Governor tried to get the applicants recommended, but the difficulty increased with the growing population; and he wound up by declaring that "prohibition is impracticable."

Again, enormous difficulties were encountered by the North-west Mounted Police in their efforts to enforce the law. Commissioner Herchmer, in the course of his testimony before this Commission, swore that, "As chief officer of the force, I did all I could, and the officers of the force did all they could, with the permit system." (Q. 35569).

Superintendent Gagnon went even further, and after stating that the police were, as a rule, very watchful and zealous in trying to enforce the law, declared: "We were very little helped by the people of the country, who would protect the whisky traders and smugglers; and we were hindered by the feeling among the people that it was wrong to endeavour to enforce such a law." (Q. 35707–8).

Commissioner Irvine, as far back as 1885, entered a similar complaint. He said: "Men who are law-abiding citizens in the old province think it no crime to evade the liquor law, and do so on every opportunity. If such men are not caught, then the police come in for abuse from temperance quarters. If, on the other hand, conviction follows, so much the worse for the police, for in nine cases out of ten the conviction becomes a conception, which eventually gives birth to most unsparing abuse, not of the law, but of those whose duty it is to enforce it."

In the following year Commissioner Herchmer stated that "The enforcement of the liquor law is the most disagreeable and trying service the North-west Mounted Police have to discharge, and in this particular service, more than in any other, our weakness is apparent." The Commissioner, in 1887, conceded that "The enforcement of the prohibitory law is more difficult than ever, the sympathy of the settlers being generally against us in this matter." In 1888 the Commissioner, in his report, declared that "In the towns, under the influence of whisky, any policeman who does his duty is taunted and shunned."

Supt. McIllree, in 1888, was constrained to declare that, "Under existing circumstances there is not the slightest incentive for a policeman to try and do his duty in this particular. A man is looked upon as a martyr if he is arrested for a breach of the Act."

Supt. Gagnon even goes the length of asking the Government to amend the law, so that no part of the fine imposed be given to the informer, as he says: "This system brings the force a great amount of discredit, the man being always charged with doing their duty with a mercenary object in view." And so the police officers asked for a change in the law.

Difficulties also arose from the fact that the prohibitory law proved to be unpopular among those to whom it was applied. Archdeacon McKay, of Prince Albert, explained the position in this way: "The feeling of a good many people in the Territories was that they were restricted as regards the sale of liquor, which was allowed in other places, and they rebelled against being treated differently from their neighbours." (Q. 36133).

Mr. Hayter Reed, Indian Commissioner, said that "People, though law-abiding in every other particular, would not see the prohibitory law enforced (Q. 34328), because they felt it was not workable under present circumstances" (Q. 34340).

Mr. Cayley, a leading member of the Assembly, declared that the people did not object to the prohibitory system, but to the powers of personal and domiciliary search given to the North-west Mounted Police. He said the present system was relaxed because it was "the people's wish" (Q. 34574–34575).

Mr. Forget, now Assistant Indian Commissioner, and formerly secretary to Lieutenant-Governor Dewdney and Lieutenant-Governor Royal, said: "If the Lieutenant-Governor was free in granting permits, he was assailed by persons inclined to be prohibitionists for being too liberal; if, on the other hand, he became a little strict, he was assailed by letters all over the country with discriminating against certain persons. So it was one of the hardest systems possible to administer, and to discriminate between the parties" (Q. 34772).

Commissioner Herchmer declared to the Commission that "A very large proportion of the population would evade the law if they could. They would try one dodge, and when we found that out they would invent another scheme" (Q. 35528–29.)

Mr. George Arkle, who has travelled extensively over this continent, and has resided in the North-west Territories during recent years, declared that prohibition in the Territories was practically class prohibition; that while wealthy men could obtain wine, "the settlers, like dogs, could not get a glass of beer without cringing for a permit (Q. 34838–34839). The people are supposed to have the making of the laws in any civilized country; but it is entirely out of their province to say what a man shall eat and what he shall drink. A man is a free agent or he is not a man at all" (Q. 34857).

Outside opinion was in the same direction. Dr. Orton, Medical Superintendent of the Canadian Pacific Railway during the construction period, presented his views to the Commission. He said: "There was a very strong feeling in favour of greater liberty under the permit system. People were often compelled or tempted to bring in liquors that were not fit for use, whereas by the extension of the permit system they would have been able to obtain proper, healthful and unadulterated liquors" (Q. 31847). The permit system did not work well. It has been continuously infringed, and I found large quantities of spirits of a very inferior character shipped in there, and largely used" (Q. 31743).

Mr. Robert Ward, of Victoria, B.C., a Justice of the Peace for the province, expressed his opinion in these terms: "From what I have seen of the North-west Territories of Canada, and I have passed through the Territories frequently, I am satisfied that there is a good deal more drunkenness, and a greater sale of liquors, than if such law had not been in force" (Q. 40137).

Sir Matthew Begbie, Chief Justice of British Columbia, described his trip into the Territories. He said: "I never was so pestered in my life, for I hate raw spirits, and the people were always asking me to take what they called whisky. They seemed to think it was the duty of a man to drink all the whisky he could,

and everybody had it. I was like Gulliver when in Brobdignag, where the people were so exceedingly hospitable that they pitch-forked tid-bits from their mouth into the mouth of poor Gulliver" (Q. 39616).

Mr. Warberton Pyke, in his recent work, "The Barren Ground of Northern Canada," thus describes his experience of the working of the prohibitory law in the Territories: "At the present day the Prohibition Act orders that even the white man of the North-west must be temperate, thereby causing whisky to be dear and bad, but plentiful withal. It is surprising how such a law exists in a country where the white men not only want drink, but do drink, in defiance of the command of a motherly government."

Turning to the annual reports of the Commissioner of the North-west Mounted Police, similar statements are found on almost every page. As far back as 1885, Commander Irvine reported, "that the majority of the people living in the North-west do not respect, and do not hesitate to break the prohibitory liquor law." Supt. Perry, in 1886, expressed his opinion that, "The law as at present is not popular with any party, and does not receive the support and approval of the people. A discriminating law cannot be upheld by the people." Commissioner Herchmer, in 1887, said, "The enforcement of the North-west prohibitory law is more difficult than ever." Supt. Perry, in 1887, said, "The liquor traffic must be stopped, although the mass of people appear to be against the law." Assistant Commissioner Herchmer, in 1888, reported, "The liquor law is not working at all satisfactorily, and is no doubt being evaded, and would be even if there were five times as many police as there are." The same officer, in 1888, declared that, "The difficulty in enforcing the present law is due to want of co-operation of the people." In the same year Supt. Griesbach reported that "The present system, though it was no doubt useful and suited to the times in which it was first instituted, does not now suit either the people or the enforcers of the law, and there is no doubt that a change of some kind is expedient." Supt. Cotton, in 1889, said, "It must suffice for us to bear testimony to the fact that a prohibitory law does not give universal satisfaction." Supt. McIlree declared, "It is no use trying to deny the fact that the sentiment of the greater part of the country is distinctly adverse to the statute on this subject." Supt. Steele expressed a strong opinion. He said, "Nearly all classes in this district are strongly opposed to the existing liquor law, and there are but few who will not assist either in smuggling or screening the smugglers." Supt. Griesbach, in the same year, made this concise summary: "The present liquor laws are both easy to evade and hard to enforce. That the system must be altered is the general opinion, both of the public and the enforcers of the law." Inspector Saunders reported to the same effect, stating that, "The liquor law is throughout the country considered to have served its purpose. Public feeling is strongly against it." Supt. McIlree, in 1890, thus represented the position: "White people have swarmed into the country, and they expect to be allowed to judge for themselves by a majority of voices, whether they should have a prohibitory law or on the contrary. In consequence the present regulations are universally unpopular."

The consensus of testimony from this source was to the effect that the prohibitory law was ineffective and unpopular, and that the people desired a change.

A still further difficulty in connection with the enforcement of the law was the apathy of the temperance people. Commissioner Herchmer, in his evidence before this Commission, presented this point in a strong light. He said: "If the temperance people of the country had really meant work and business, they could have given the police a great deal of assistance. My experience here, however, was that great difficulty was met with in getting evidence, and in this the officers were not assisted by the temperance people. There was a want of moral courage on the part of people with temperance proclivities. The clergymen could have given a great deal more assistance than they furnished; they did not give us much assistance, in fact very little. They wrote in the newspapers in regard to the non-enforcement of the law, but when it came to the point there was very little evidence

to be got from them (Q. 35569). Supt. Perry, in his report of 1886, also referred to this matter, and said, "In every case it is to be remarked that the information has been laid by the police or by others on compulsion. There has not been a single civilian informer."

The permit system appears to have been surrounded not only with difficulties, but with positive evils. Many witnesses who gave evidence before this Commission recited the particulars of scenes of debauchery following the arrival of liquor obtained on permit. The custom appears to have been for the friends of the party receiving the liquor to assemble and finish the supply at a single sitting. Another evil was the injury caused by the consumption of smuggled liquor adulterated and of an injurious character. This was brought principally from Fort Benton, Montana, and no less than one month was occupied in transporting a cargo from the United States boundary to Regina or Calgary, most of the travelling having to be done at night, in order to evade the Mounted Police. Another evil arose from the inducements offered to perpetuate fraud. Misrepresentation, fraud and deceit were used to screen operations which, while contrary to the law, were passively sanctioned by the majority of the people of the country. The use of compounds, in which drugs formed the principal constituents, was another evil arising from the permit system. The evidence given before the commission showed that pain-killer cock-tails were a favourite beverage in the morning among a certain class, and red ink, Florida water and eau de cologne were drank for the alcohol they contained.

A further evil arose from the fact that spirits were commonly used on account of the high freight charges on beer. In fact, the principal reason why mild beer not exceeding four per cent of alcoholic strength was subsequently admitted was the poor quality of spirits smuggled and distributed throughout the Territories.

Various questions arose in regard to the interpretation of the liquor law, and especially in regard to the clause authorising the Lieutenant Governor to issue permits. It was contended by certain parties that the intention of the Dominion Parliament in passing the law was to give to the North-west Territories a measure securing total prohibition of the liquor traffic. It was contended, on the other hand, that the intention of parliament was simply to afford more effective means of preventing the distribution of alcoholic liquors among Indians. The opinion of Lieutenant Governor Royal has already been cited, to the effect that the latter was the true interpretation of the intention of Parliament. His Honour appears to have realized the difficult position in which he was placed, for his admission in his statements made to the Commission was that, the law in respect to liquor prohibition had degenerated into the most unsatisfactory and crude licensing organization possible, for a free people, and painfully retrograding, as compared with the measures which statesmen are now devising for the regulation of this social evil. While the original intention of the permit system undoubtedly was to enable the white settlers to obtain alcoholic liquors for medicinal and domestic use, under certain regulations, the experiment proved a failure. Each year evidences multiplied of the breaking down of the permit system, and both officials and people began to realize the necessity of adopting some new method of dealing with this difficult position.

In all quarters discussions arose as to the new methods of treating the liquor question. Lieutenant-Governor Royal, in his statements to the Commission, mentioned that, "In the absence of any action by Parliament to amend the law, numbers of good citizens discussed the propriety of allowing public houses to dispense beer to the traveller and visiting delegates". It was suggested that such a measure, besides having the result of inducing the opening of good hotels, would also be means of supplying the people with a cheap and healthy beverage, and keeping people away from stronger stimulants. Indian Commissioner Reed, in his evidence before the Commission, covered several important points in this connection. After mentioning that the original intention was that permits should be granted for medicinal and domestic purposes, he justified the action of the Lieutenant Governor in these terms: "I suppose the Governor, who had the power to issue the permits, thought it better to issue them rather than to see so much smuggling." (Q. 34344.)

It is admitted that the number of permits issued steadily increased during the later years when the system was in operation. That there were many sufficient reasons for this increase is beyond question. The increased population of the country of itself caused an augmentation of the number. Then there was the fact that the new settlers largely consisted of immigrants from Europe, who had been accustomed to the use of alcoholic beverages from their youth, and also of people from the older provinces of Canada who had been accustomed to a license system. Again, the smuggling of inferior qualities of spirits from the United States naturally led the Lieut.-Governor to consider the advisability of permitting the importation of pure liquors from the east. In this connection two points arose, first, the desirability of retaining in the country money expended in bringing in from the United States alcoholic liquors of low quality, which enabled smugglers to reap enormous profits; second, the question whether the granting of an increased number of permits would not diminish the quantity of liquor smuggled.

About the year 1888–89 a crisis arrived in North-Western affairs as regards the administration of the liquor traffic. The permit system had been tried and had failed. In the days of the early settlement of the country it had proved successful as a means of keeping liquor from the Indians. That was its original object, and that was successfully accomplished. When efforts were made to pass beyond the original intention of the law, difficulties arose on every hand. The white settlers, who had been accustomed to the use of alcoholic beverages in Europe or the eastern provinces of Canada without let or hindrance as they pleased, resented any interference with their personal liberty. It was felt in all quarters that a change must be made. It was admitted that smuggling had reached extensive proportions, and that the quality of the article smuggled was universally bad and injurious to health. It was conceded that in consequence of the increased population and the changed circumstances of the country the permit system had broken down. It was felt, moreover, that if ale and beer could be introduced, their use would supersede the consumption of bad spirits, and thereby tend to the promotion of temperance. The desirability of replacing spirits by malt liquors was constantly presented to the attention of the Government by the officers of the North-West Mounted Police.

Inspt. Saunders, in his report of 1889, asserted that, "As the country is gradually becoming more settled, greater difficulties are experienced. My experience is that the law does a great deal of harm."

Supt. McIllree, in 1890, reported, "The general state of prohibition is as unsatisfactory as ever, both to the general public and ourselves, who are supposed to enforce the provisions of the statute on the subject. Saloons are plentiful, and the business of selling liquor is a profitable one, and instead of decreasing, the illicit traffic is increasing."

Commissioner Herchmer, in 1887, reported: "Liquor is run into the country in every conceivable manner—in barrels of sugar, salt, and as ginger ale, and even in neatly constructed immitation eggs—and respectable people, who otherwise are honest, will resort to every device to evade the liquor laws." Supt. Griesbach, in 1887, mentioned, "That the law as it now stands under the permit system is not a success, and it is most desirable from many points of view that some radical change should take place at an early date, possibly the introduction of a high license liquor law, with proper safe-guards, would now best meet the case, and would be in my opinion, more conducive to morality, good order and the carrying out of the law than the present system." Commissioner Herchmer, in 1888, reported that, "Under the present system there are undoubtedly the gravest reasons for complaint." Supt. Cotton, in 1888, referred to the discussions that had taken place in the public press and at many public meetings in connection with the prohibitory clauses of the North-west Act, and expressed his conviction that the Government had been placed in possession of the different views entertained throughout the territorial electoral divisions. Supt. McIllree, in 1888, regretted that the evils connected with the enforcement of the Act were increasing rapidly, and less regard was paid daily to the provisions of the Act. Supt. Steele declared that, "The illicit traffic in liquor has,

as a rule, the sympathy of the public, and the experience of the police force has shown that there is more drunkenness under the present system, and more injury done to the health of the individuals through this law, than if respectable houses were licensed. My recent experience in British Columbia also shows me that as far as the police force is concerned there are fewer offences against discipline, committed through the effects of drink in a country where there are numerous licensed houses, than in the North-west Territories. As far as the public in the Kootenay District, (British Columbia) are concerned, there was less drunkenness noticeable among them between my stay of over twelve months than I have seen during the last three months in the North-west Territories, although the very strictest steps were being taken by the officer commanding here to keep down the traffic." Supt. Cotton, in 1889, reviewed the egects of prohibition in the early days, and then said, "Now, however, the situation is changed; towns and settlements have sprung up all over the territories. The white population in discussing these changes has ventilated the subject freely and fully in the Territorial press." In the same year Inspector Saunders reported, "An unpopular law is always difficult to carry out, and as the country is gradually becoming settled, greater difficulties are experienced. As a furtherance of the temperance cause, few people who live in the North-west Territories, will disagree with me when I say it has been a failure."

The desirability of permitting the introduction of beer, and even establishing a brewery, in the Territories was constantly put forward in the reports of the police officers. As early as 1887, Commissioner Herchmer recommended that, "The importation and manufacture of a good article of lager beer, under stringent inland revenue regulations, would greatly assist the satisfactory settlement of this vexed question." In the following year the Commissioner stated that, "There is a feeling among the farmers, and naturally, that the sale of good beer should be allowed, and that it should be brewed in the country, out of home-grown barley, the present regulation allowing a wretched apology for beer to be brewed in the country out of grape sugar and poisons, while the brewing from home-grown malt of an article of equal intoxicating power is strictly prohibited." The Commissioner, in 1889, reiterated his recommendation in the following terms:—"It is generally conceded that permission to brew beer in the Territories, under proper restrictions, would have a beneficial result, besides in a measure allaying the considerable discontent which undoubtedly exists. Barley grows well, and in some sheltered places hops, but at present they are unsaleable. Home breweries would keep a considerable amount of money in the country, and afford a market for farmers for grain, which they could with great advantage grow." In 1891 the Commissioner returned to the charge, and in his annual report stated: "Beer is still imported, and I cannot understand why, when it is allowed in under permit, it cannot also be brewed here under permit, as barley is a safe crop, and of very excellent quality." Mr. Gordon, Secretary to the Lieutenant-Governor, stated in his evidence before the Commission, "That on account of the smuggling, the Governor thought it better to make beer sale legal." Lieutenant-Governor Royal, in his statement submitted to the Commission, reviewed the suggestion made of permitting the sale of beer at hotels, with a view of supplying the people with a cheap and healthy beverage, and keeping them away from stronger stimulants. He said:—"I accepted the idea, which was immediately carried into effect under a complete code of regulations. The licensing system developed under my predecessors was, to this further extent, completed by me, pending the decision of the legislative authorities at Ottawa. The regulations adopted referred to the personal character of the applicant, to the accommodation of the hotel, to the days and hours of closing, etc.; and the North-west Mounted Police were charged with the duty of keeping constant watch over these houses. As no license but a permit only was issued, and such permit had to be renewed frequently, any disorder or breach of the regulation was at once visited upon the applicant by a refusal to grant further privileges. The result of this new measure was a marked decrease in the demand for liquor permits since the increase of permits for beer, and, in the same time, an increase in the revenue."

Thus it came about that, from the strength of public and official opinion, the Lieutenant-Governor was practically forced into the position of extending more widely the permit system, and allowing the sale of beer under certain regulations and restrictions.

The 4 per cent. beer plan has formed a debatable question between those holding prohibition views and the advocates of a license system. The Lieutenant-Governor himself stated that, "The public was not long in showing itself in favour of the new policy." Mr. Forget, formerly secretary to the Governor, expressed the opinion before this Commission that, "The introduction of the system had a beneficial effect as a whole, for it decreased the applications for strong drink." Commissioner Herchmer, in 1889, reported that, "The facility of obtaining four per cent beer, and the great improvement in the quality of the article, has, to a large extent, lessened the demand for stronger beverages, and I think there has been much less drunkenness in the country. Certainly the free use of four per cent beer in the police posts where canteens have been established for its sale, has made a very great difference in the conduct of the men.

The reduced demand for spirits naturally caused a falling-off in the quantity of smuggled liquor coming into the country. Supt. Steele, in 1890, referring to this fact, said:—"There has been a marked falling-off this year in the efforts to smuggle into the Territories the decoctions called whisky, from Montana."

In 1883 Lieutenant-Governor Dewdney introduced modifications, by which a fee of fifty cents per gallon was paid by the applicants for liquor permits, beer being free, as well as wine for sacramental purposes. In his report dated January, 1884, he thus explained the reasons for his action:—"In connection with the liquor question, I may state that on account of the large increase in the number of applications and increase of labour and expense consequent thereto, I deemed it expedient, with the advice of my Council, to exact the payment of a fee of 50 cents per gallon for spirits and wine, to form part of the general revenue fund of the North-west Territories. This regulation came into force on 20th September last, and from that date to the 31st December following 599 permits had been granted, and $763 realized. While I have continued to exercise the same care in granting permits as heretofore, I am glad to remark that the imposition of the tax had the effect of lessening the number of applications, for during the latter part of the year, instead of increasing in proportion to the rapid increase of population, they show about the same average daily as during the first part of the year. I may state that during the time I exacted the fee, $238 were returned to parties who had applied for permits which I refused to grant."

Notwithstanding the imposition of a fee on spirits and wine, the number of permits issued increased steadily. That they were in excess of the growth of population is, however, open to doubt, and is a matter of contention between the advocates of prohibition and those of a license system. It was argued before this Commission that an increased number of permits simply meant a diminution in the quantity of liquor smuggled, with the advantage of a better article being consumed, and at the same time having the money kept in the country. It was also maintained that the introduction of 4 per cent beer reduced the consumption of smuggled spirits.

Mr. Gordon, secretary to the Lieutenant-Governor, stated to the Commission that, "The increase in the number of permits issued was with the view to decrease the quantity of smuggled liquor." (Q. 34428.) He further said, on account of the smuggling, the Governor thought it better to make beer sale legal. (Q. 34469.) He added, "The means of judging the wishes of the people were the applications for permits."

Mr. Hayter Reed, Indian Commissioner, when interrogated on this point, replied:—"The Governor who issued the permits must have been governed by the wishes of the people, or he would not have issued them." (Q. 34354.)

Mr. Forget, Assistant Indian Commissioner, speaking of the permit system and its effects, said:—"My own experience has led me to believe that there was as much

drinking done in the Territories and Manitoba when under permit as in Quebec and Ontario under license." (Q. 34803.)

Commissioner Herchmer, in his report in 1890, says that, "The importation of beer has lowered the demand for stronger liquor."

The following table presents in a concise form a statement of the number of permits issued, and the quantity of liquor imported, during a series of years:—

TABLE showing Number of Permits Issued and Quantity of Liquor Imported.

| Year. | Number of Permits. | Spirits. | Wine. | Beer and Porter. | Four p. c. Beer. |
|---|---|---|---|---|---|
| | | Galls. | Galls. | Galls. | Galls. |
| 1883 | 1,874 | 4,451 | 727 | 1,558 | .... |
| 1884 | 2,457 | 5,405 | 938 | 3,565 | .... |
| 1885 | 1,761 | 3,684 | 756 | 5,322 | .... |
| 1886 | 3,559 | 6,592 | 975 | 12,996 | .... |
| 1887 | 3,663 | 6,980 | *989 | 13,667 | .... |
| 1888 | 4,442 | 8,561 | 1,081 | 20,978 | 25,767 |
| 1889 | 5,568 | 11,660 | 1,422 | 26,098 | 112,448 |
| 1890 | 5,765 | 12,417 | 1,464 | 42,673 | 97,116 |
| 1891 | 5,973 | 14,341 | 1,625 | 18,933 | 86,926 |
| †1892 | 913 | 3,717 | 315 | 2,218 | 4,650 |

NOTE.—Four per cent beer was admitted in 1888. * Sacramental.

BEER AND WINE SOLD IN CANADIAN PACIFIC RAILWAY DINING CARS.

| Year. | Date. | Wine. | Beer. |
|---|---|---|---|
| | | Galls. | Galls. |
| 1887 | Dec. 15, 1886, to Nov. 25, 1887 | 177 | 3,391 |
| 1888 | Jan. 25 to Nov. 25, 1888 | 3,470 | 253 |
| 1889 | do 25 Dec. 25, 1889 | 164 | 2,607 |
| 1890 | do 25 do 25, 1890 | 82 | 889 |
| 1891 | do 25 do 25, 1891 | 76 | 673 |
| 1892 | N. W. M. Police canteen | .... | 7,700 |

† The License Act of the Territories was assented to on January 25th, 1892, and came into force on May 1st, 1892.

Whether the statement be true or not that smuggling decreased as permits increased, it must be admitted that smuggling assumed enormous proportions in the Territories. It is not too much to assert that smuggling became a business in that country. Liquor was brought into the Territories by two particular routes, namely, from the South, especially from Fort Benton, Montana, and from the West, by way of Donald and other outposts in British Columbia. By the southern route liquor of vile character was purchased on the United States frontier and transported by waggons across the prairies, either to Regina or Calgary. The shortest route, namely, from the boundary line to Fort McLeod, which may be considered as the first Canadian station where liquor could be sold at a high profit, was 235 miles. In order to transport smuggled liquor to this point it was necessary to evade the North-West Mounted Police, who traversed the country in all directions and were constantly in movement. Of course, this force watched with exceeding care the fords crossing the various streams at different points *en route*. It was, therefore, necessary for the smugglers to obtain new crossings at the different streams, and, moreover, to ensure their safety, it was essential that they should travel the greater

part of the distance at night. The journey was thus made. The liquor was carried 25 or 30 miles at night-time, over trails little frequented, and then was cached for 24 hours, and the journey resumed on the following night. Of course, the profits were of a magnitude sufficient to compensate the smugglers for their difficult and hazardous journey. It must, moreover, be borne in mind that the powers of the North-West Mounted Police were extraordinary and exceptional. They had the right to make domiciliary and personal search.

Inspector Harper, who had experience in different parts of the Territories, and especially on the southern and western frontiers, where this contraband trade was carried on, presented to the Commission the powers of the force in these words: "We could search anywhere; that is, a commissioned officer could do so, or a police constable, under orders of a commissioned officer. We could also make a personal search." It was also stated in evidence that the houses of settlers were searched, and even bed-rooms, in the general hunt for liquor.

The witnesses at McLeod admitted that that place was an important *rendezvous* for dealers in illicit liquor. It was conceded frankly that the North-West Mounted Police had endeavoured to discharge their arduous duties; but it was explained that, "owing to the police feeling that they were not supported, they considered it was of no use to try to enforce the law." The sentiment of the community was antagonistic to its enforcement. "There was the feeling," explained one witness, "that the law was an unjust one; that it was made by a government two thousand miles away; that it was made against the wishes of the people, and was directed against something that the people wanted; that it was against their feelings and ideas altogether, and that it was not wrong to break that law." It was admitted by everyone that the people were willing to obey the laws generally, but it was asserted that "they would break the liquor laws without compunction at all." Further, witnesses emphatically declared that, "the people would not be legislated for as to what they should eat and what they should drink." Besides the extraordinary powers possessed by the North-West Mounted Police force, as already indicated, it was provided by law that wagons and teams used in hauling liquor were liable to confiscation, in the event of seizure. This provision, it was admitted on all hands, proved a powerful weapon in the hands of the officers of the law.

Not only from the south, but from the west, contraband liquor was brought into the country by all available avenues and by every possible conceivable means. It was brought in secreted in packages of merchandise; in tins specially prepared and labelled "bibles"; as canned fruits, a single peach, perhaps, floating in alcohol valued at $5; in casks of sugar and rice; in packages of bottles, supposed to contain nothing but temperance drinks; in carloads of hogs or lumber, and as eggs. Almost innumerable other devices were likewise resorted to. In some cases casks of liquor were attached to the cars or suspended in front of the engine, to be dropped off at a convenient spot. In other cases liquor was carried by the smugglers in the state-rooms of sleeping cars, and even the mattresses and pillows of colonists were used to secrete it. Inspector Harper, stationed at Banff, told the story of smuggling (Q. 38468), he said: "There was abundant means by which liquor could be smuggled in. They would smuggle it from British Columbia, and from other quarters. A whisky man would go west in the morning and engage a Pullman berth at a place where the train stops half an hour for supper. During the time it was there he would make arrangements with the porter by which he (the whiskey man) filled his berth with kegs of whisky. We were not allowed to search pullmans for whisky. When he got near Calgary the liquor would be thrown off just before the train pulled in. Another way was that a man coming down in the colonists' car would use rubber beds and pillows filled with whisky. They had it all over the train. It would be in the berths, on the top, underneath, in front, on the engine, on the tender, and where the water was kept, and they would let down tanks and kegs with a rope and let them stay there. The liquor would be dropped off at convenient places, and they would have men there on the spot ready to carry it away. Of course, the officers could not watch all these places."

The police possessed at one time the right of entering sleeping cars and making seizures. But the complaints from travellers became so serious that the power was withdrawn.

Another favorite method of bringing liquor into the country was that of having packages addressed to some well-known clergyman or public man. Of course, the parties to whom the package was addressed knew knowing of the transaction, but there were interested persons ready at the depot to claim it on its arrival.

Inspector Cuthbert, of Calgary, stated to this Commission that barrels, containing bottles of beer at both ends and whisky in the centre, arrived in under beer permits. He also mentioned that cases of aerated water came in, between the bottles of which were bottles containing spirituous liquors. He laid special emphasis on the fact that there had been continuously a great deal of smuggling, and large quantities of liquor had come in on the cars. He recited the circumstances of a case in which a man was informed against for having liquor in his possession, and who, during the same day, produced permits for double the quantity he had—permits that he had collected during the day. "Some of these permits," said the officer, "were for liquor obtained the year before. It was too absurd to pass over, so the permits were returned as not covering the liquor." (P. 385–389).

The fact that British Columbia was under license while the Territories were under a prohibitory system proved undoubtedly a drawback to the enforcement of the law in the latter. The Pacific province was made a basis of operation as regards the forwarding of liquor into the Territories. This was clearly shown by a statement submitted by Mr. J. E. Miller, of Vancouver, Collector of Inland Revenue, whose district ran up to the boundry line of the Territories. He explained that there was a bonding warehouse at Donald up to the time of the adoption of a license system in the Territories (Q. 42632–42640). During 1890-91 the spirits, warehouse, for consumption at that point, were of the value of $2,739, and in 1891-92 of the value $2,853. Of that amount, the Collector declared that 80 per cent went into the Territories. That this statement is warranted by the facts is made apparent by the admission that immediately on the enactment of a license law for the North-west Territories, there was no further sale there for liquor, and the bonding warehouse at Donald was immediately closed. The difficulties surrounding the suppression of smuggling, both on the western and southern frontiers in the North-west territories, were so great that nearly all the North-west Police officers, and many citizens, united in the conclusion that prohibition was impracticable of enforcement in that part of the Dominion. The vast extent of boundary to be watched night and day may be judged from the fact that Inspector Norman was in charge of a district covering 940 miles along the boundry line.

The effect of the prohibitory law in connection with the building of the Canadian Pacific Railway was brought prominently before the attention of this Commission during its sittings in the North-west. The claim was put forward, on the one hand, that the law had had the effect of producing a quiet, orderly and peaceful state of affairs during the railway construction period, and that, except for the prohibitory law, a similar condition would have prevailed in Canada to that which obtained in the United States when the trans-continental roads were in progress of construction. On the other hand, it was argued that the prohibitory law was only incidentally a factor in producing and maintaining the rule of order and law which prevailed in the Territories and along the Canadian Pacific line during the construction period. The fact is conceded by all that the building of the Canadian trans-continental road was distinguished by the absence of any serious troubles arising from the drinking habits of the men employed on the work. Governor Royal, adverting to this subject, said: "In 1882 and 1883 the Canadian Pacific Railway Co. placed under contract the construction of its line across the plains to the Rocky Mountains. Many apprehended, and not without reason, that the cortege of crime of all sorts, which had accompanied the construction of trans-continental lines in the United States, would inevitably appear from the moment the uninhabited territories were reached. Fears of interference by the Indians with the progress of the work was also entertained. Yet none of these fears or apprehensions were realized. Owing

to the absence of strong liquors in the camps of the railway navvies, owing to the discipline and strict surveillance exercised by the North-west Mounted Police, the construction was proceeded with and carried on through more than 700 miles of vacant and silent plains with at least as much order and tranquility as if it had been across any of the provinces of Eastern Canada."

The annual reports of the North-west Mounted Police are remarkably silent in regard to the condition of the Territories during the construction period. Superintendant Cotton almost alone deals with this interesting point. In his report for 1889 he made special reference to the subject. He said. "The construction of the main line of the Canadian Pacific Railway proceeded quietly, and the total absence of all serious crime, notwithstanding the sudden influx of thousands of rough navvies, was remarked with astonishment. This was again and again borne testimony to by prominent railway men who had had experience in other countries. Even with the efficient police surveillance maintained, such happy results could not, I think, have come about but for the prohibitory laws existing. That these laws were sometimes broken, even in those days, is an undeniable fact. Such, however, was the exception, not the rule."

Superintendent Cotton, when before the Commission, enlarged on this point. On the opinion expressed in his report as above, being cited, the Superintendent added: "If all the working parties had had the right to bring in liquor and use it, the story of the construction of the Canadian Pacific Railway would have been exactly similar to the history of the Northern Pacific and Union Pacific railways. There would have been rows and murders of all kinds, I have no doubt." (Q. 30507.) Superintendent Perry, also attributed good effects to the prohibitory law during the construction period. When before this Commission, the Superintendent expressed his satisfaction that the effect of the law was "more beneficial during the construction period, when from four to five thousand men were at work on the Canadian Pacific Railway." (Q. 35263—35264.)

Mr. Thomas Dowling, who resided at Calgary during the construction of the Canadian Pacific Railway, and upon whom the duty of administering the prohibitory law to a large extent devolved, testified before this Commission that he was considered severe as a magistrate; "but, notwithstanding all I could do, quantities of liquor came into the country. People were arrested and fined, but it was impossible to keep out the stuff. We succeeded in doing so to some extent. I destroyed large quantities of liquor; I destroyed a carload one time." (Q. 37207–37210). Unlike the police officers, he attributed little of the desirable results to the effect of the prohibitory law. In fact, he made the charge that, "Some of the liquor was purchased by contractors on the Canadian Pacific Railway, who wanted to get liquor on the works in British Columbia, and to make money out of it." (Q. 37211). On being interrogated as to the probable condition, if sale of intoxicating liquors had been permitted along the line, and whether there would have been less desirable condition among the men, the witness answered that "the men got liquor anyway," and added, "I had the police force in Calgary under my command, but with my force I could not keep liquor out of the country." (Q. 37214).

The evidence given by Mr. John W. Sifton, contractor for section No. 14, seventy-six miles east of Selkirk, is interesting, as presenting a different view. He deposed before the Commission as follows:—

"I should like to tell the Commission about prohibition, and the possibility of enforcing it. I had seventy-six miles of road under my jurisdiction up to the time of its completion. I had authority under the Public Works Act to prevent the sale of liquor on that track. I decided that in my own interest, as well as in the interest of the men, I would endeavour to carry out that law. During those four years there never was any liquor sold on that contract; I say that emphatically. Liquor came in, it is true; but it did not get the chance of being sold, except to one man each time. I found it quite possible to enforce the Act. The people on my section knew that I desired to enforce the law, and that I would do so. I asked the assistance of Mr. Davis, who said that the only assistance I could have would be five constables;

but he said, at the same time, that he would endeavour to assist me to carry out the law. Afterwards he sent me a communication, and I found that the responsibility rested on myself, and after that I had no trouble. I had no constable on the works except a man who acted as foreman. I had one of the engineers appointed as magistrate by the Governor of Keewatin, Hon. Mr. Morris, but no case came before him." (Q. 32105–32107).

It will be observed that the police officers attribute the peaceable circumstances surrounding the construction of the railway to the prohibitory law in force in the territories; that Mr. Dowling, who acted as magistrate in Calgary, and had charge of the district police force, says that liquor came into the country in large quantities, and that he was unable to prevent its distribution along the railway lines; and that Mr. Sifton, a railway contractor, ascribes all the benefits accruing to the exercise of vigilance in connection with carrying out the prohibitory provisions of the Public Works Act. Under these circumstances, it is hardly permissible to ascribe wholly to the prohibitory law of the territories, the peaceable and satisfactory condition of the country during the railway construction.

Important evidence was given by Mr. Harry Abbott, General Superintendent of the Pacific Division of the Canadian Pacific Railway. He had charge of Section No. 15, and subsequently of the whole district between Sudbury and Port Arthur. Speaking of his efforts to enforce the Public Works Act, he informed the Commission that he was afraid it was carried out "very inefficiently, although we did our best to carry it out. We could not prevent liquor coming in. We had constables stationed along the line, and they honestly endeavoured to suppress the smuggling of liquor, but found it impossible to do so." Mr. Sifton's statement that he found it easy to thoroughly enforce the provisions of the Act on the section of road which he built, having been read, Mr. Abbott replied: "I do not know that section, and unless it is situated very peculiarly, and unless he possessed unusual facilities for stopping smuggling, I should been very much inclined to doubt his statement." Mr. Abbott further declared that if a license system had been in force along the line, the liquor "would have been more easily kept track of, and there would have been a better class of liquor sold." As to the question whether there was much disorder among the men on the line of construction, the Western Superintendent said, "when the men got liquor there was disorder; in fact, it amounted to so much at one time that we had to call the provincial police to our aid. The riot was at Biscotassing. I remember a bullet was shot through my bedroom on one occasion." (Pp. 625-627.)

Accordingly, whether the condition of the country under prohibition, as compared with its probable condition under license, was superior, or whether its condition under prohibition was superior to its probable condition under license, was due to the prohibitory system itself as regards the district on the line of the Canadian Pacific Railway, or whether such was in fact due to the prohibitory provisions of the Public Works Act being enforced, constitute debatable questions.

It is manifest that advocates of license endeavoured to press prohibition to the front as an issue. The candidates favourable to a change of system stated openly their views. These candidates were many, while prohibition candidates very few indeed.

Mr. Betts, M.L.A., said: "I tried to make prohibition an issue, but I was not altogether successful, and very many temperance people voted for me, although they knew I was a license man. I suppose, however, they felt, as I felt, that a license law would be better than the permit system." (Q. 36032).

Mr. J. L. Reed, of Prince Albert, a Dominion officer, well acquainted with the country, stated that "Public opinion in the North-west Territories is in favour of license. The last election most decidedly settled that question. It was one of the questions up. License is a great improvement on the old system, which was spoken against everywhere." (Q. 35859–35861).

Mr. John McTaggart, of Prince Albert, another Dominion officer, said: "The matter was brought strongly before the people. The elections came on quickly, almost before the temperance people had time to look around them for candidates.

I was told that all the candidates were rather in favour of license, so there was no option." (Q. 36288).

It may be remarked that the prohibitionists had just as much time to prepare for the election of 1891 as had their opponents.

Mr. Enoch Colpitts, who announced himself as a total abstainer and prohibitionist on principle, gave a clear explanation of the position. When asked to account for the fact that no temperance man appeared as a candidate in his district, he said: "It was just on this ground, Mr. Ross was our former member. He declared himself in favour of license. Mr. Gordon then came out, and when the question came up declared himself in favour of license. They were both supposed to be very strong men, and had a great many personal friends. The temperance men thought of starting a man; but on considering the matter, they came to the conclusion that on account of the personal esteem in which the two men were held, one or the other of them would be elected." He believed the temperance men, even if a temperance candidate had been brought out, would have supported one of the original candidates. (Q. 36724).

The advocates of prohibition having failed to place in the field candidates capable of successfully contesting the elections against advocates of license, appear to have devoted their attention to raising an agitation on the necessity of taking a plebiscite. They held several meetings, and adopted a memorial to the Lieutenant Governor asking that a plebiscite be taken. Governor Royal replied that his action would be guided by the decision of the legislature on the license question.

The elections duly came on, and the license candidates swept the field. Immediately the legislature was convened, the liquor license ordinance was passed, and the Territories came under a licensing system. The question of a plebiscite came up in the legislature, but, to quote Mr. Colpitts: "It had a very weak following and did not amount to anything."

The license law embodying local option provisions went into force on 1st May, 1892, and the number of licenses issued up to 6th of that month, for the year ending 30th June, 1893, was: (*a*) hotel, 73; (*b*) restaurant, 2; (*c*) wholesale dealers, 24.

The amount of revenue derivable from the licenses issued is: By the Territories, $20,790; by municipalities and electoral districts, $7,675.

Interest attaches to the results which have followed the adoption of the license system. Taking a few of the witnesses haphazard, we find the following expressions of opinion given in the testimony:—

Dr. Brett, M.L.A., one of the leading representatives in the Territories, said: "I think the license system is preferable to the old system. It was the concentrated sentiment of the people that influenced the Legislature in passing that law. I do not believe the people of the Territories wanted a law for revenue purposes, but they wanted a law that would regulate the traffic." (Q. 38909-38910).

Mr. Betts, M.L.A., declared: "I am satisfied in my own mind that the license law is a benefit. I think, speaking from memory, that, with the exception of three or four, every member of the Assembly was in favour of a license law. The only difference was as to the lines the law should take. There were some who believed in a prohibitory law, and some were in favour of free traffic. The stand I took was for high license and a very strict license law. I think temperance feeling is steadily growing throughout the country. The licensing of the traffic, together with the moral influence that will be brought to bear, and especially improved education, will undoubtedly be the means of considerably reducing the consumption of liquor." (Q. 36010-36016).

Mr. McKay, M.L.A., expressed his satisfaction with the operation of the law, and said it worked very well. (Q. 36079).

Commissioner Herchmer said: "It will increase the drinking among the half-breeds; but among the respectable portion of the community I do not think it will increase drinking. There is more ale consumed now." (Q. 35602).

Mr. Justice McGuire testified that, "The license system in force at present is a better system for the Territories, and it should be strongly enforced. A very small

percentage of the cases that come before me are traceable to the use of liquor. Of all the cases I have tried, only two that I recollect were the outcome of excessive use of liquor, and one of those, in which death occurred, was a case of murder, the verdict rendered being manslaughter, and it arose out of the prohibition system, I think." (Q. 35395).

Inspector Harper pronounced himself in favour of a license law, with a small number of police to enforce it, rather than a prohibitory law, with all the Mounted Police endeavouring to carry it out.

Inspector Norman called attention to the fact that drunkenness had diminished under the license system. He said, "There is less drunkenness, because under the old system I have known four or five hundred gallons to come in under permits, and so long as the liquor lasted, the place was the scene of a jamboree. The license system keeps liquor out of the houses; if carried out to the full extent, it is best." (Q. 35653–35655).

Superintendent Gagnon called attention to the increased consumption of ale in the country, and added that "If wines and ales were made cheaper, they would be used more, and there would be less drunkenness." (Q. 36721.)

Mr. Alexander Lucas, mayor of Calgary, said: "The law works satisfactorily, and there are now no illicit sales." (PP. 362–367.)

Mr. James Walker, chairman of the license commissioners at Calgary testified that "License was preferable to the last year or two of the prohibitory system." (Q. 37313.)

Mr. Frank Dick, license inspector of Calgary, gave his adhesion to the new system, although at the same time he intimated that on principle he favored prohibition.

In the report of Col. Herchmer, commissioner of the North-west Mounted Police, 1892, page 3, that officer says: "While I have not the actual figures of liquor imported since 1st May, and, under the permit system it was impossible to find out the actual quantity imported illegally, I have no hesitation in writing that the quantity of liquor used under the license system very greatly exceeds that under the permit system, and that while the heavy drinkers under the old system, except those who have taken the 'gold cure' with advantage, still drink heavily, a considerable number of settlers who formerly seldom or never oblained liquor are now using large quantities, and, as I stated before, half-breeds can get it whenever they have money, and consequently in many cases Indians, in spite of the closest watchfulness on our part." In his evidence before this Commission he gave his opinion of the present license law in these terms:—"I think the law is a good law if it is properly carried out; but I do not think it is as strongly enforced as it should be. * * * I think all bartenders and people handling liquor should be licensed as well as the regular licensees. If a man is caught evading the law he should not be allowed to be employed in any other bar or drinking place in the country. I also think all the licensed houses, hotels and bars in the country should have no back entrances, but only one entrance, and that the bar should be lighted up during prohibited hours. You would get in this way a better class of bartenders, and it would be worth their while to be careful. At the present time these men can be employed at one bar and then at another" (Q. 35553-35555).

Turning to the annual reports of the North-west Mounted Police officers for the year following the adoption of the license system, we observe frequent reference made to the new law.

Superintendent Deane reported: "I am of opinion that there is less drunkness now than under the old system."

Superintendent Jarvis said: "The license system has come into force since the date of my last report, and seems to work well. So far as observed in this district there has been rather a diminution of drunkenness since its introduction."

Inspector Howe thus referred to what he termed the radical change effected in the liquor law through the introduction of the license system: "The increased

facilities thus afforded for procuring intoxicants had the effect, for a short time, of causing an increase in drunkenness amongst a certain class, principally the poorer half-breeds; but after a time, when the novelty wore off, things settled down to their normal condition. Among the white people and the more prosperous half-breeds I think there has been less drunkenness."

Inspector Cuthbert reported that "The new system seemed to work satisfactorily."

Superintendent Perry truly said: "Past experience is the only infallible guide for future legislation, and not theoretical ideas, based upon conditions which do not present themselves in these territories."

Superintendent Cotton, in his report for 1892, says: "Partial prohibition, under the old system, had its strong points and its marked weaknesses. The present license system has both, though I trust the latter in a less degree. Public opinion will, I presume, weigh the advantages and disadvantages—the *pros* and *cons*—of both systems; and when amendments to the present law are desired they will, it is safe to anticipate, be forthcoming through the representatives of the people in the Legislative Assembly. In the meantime, it is to be hoped that licenses will in all cases be properly awarded, and that every care will be exercised to prevent the possibility of the number of licenses being excessive as compared to the population."

It was to be expected that defects in the system would be found, and that there would be faults of administration which, it is to be hoped, experience will correct. At any rate, the population have in their own hands the power of preventing the issue of licenses in any license district under the local option clause of the liquor license ordinance.

In his message at the opening of the second session of the second Legislature, His Honour the Lieutenant-Governor referred to the Liquor License Ordinance in these terms: "I am happy to know that the Liquor License Ordinance which you adopted last session has, upon the whole, given general satisfaction, and that any apprehensions as to the evil effects likely to arise from the change in the law have not been realized. I have no doubt that, after some months experience of the working of the ordinance, amendments may now suggest themselves for your consideration, which would tend to make its provisions more effective and complete."

The report of the Commissioner of the North-west Mounted Police for the year 1893 is one of peculiar interest, embodying, as it does, the opinions of the officers upon the working of the license law for the first clear twelve months since it was enacted.

The whole tone of the reports of the officers is not only one of satisfaction with the operation of the law, but the reports themselves show that drunkenness has decreased under it.

Commissioner Herchmer, in his report for 1892, expressed apprehension that under the license law drunkenness amongst Indians would increase. Such, however, has not been the case, and in his report for 1893, he says: "There has been a good deal of drunkenness among Indians in the vicinity of the towns, but not so much as usual, and, as the parties supplying the liquor have, on several occasions, been convicted and heavily fined, it is to be hoped that the practice will still further diminish." He also reports the maintenance of a strong patrol on the Athabasca river, and that but little liquor had been brought in.

Superintendent Griesbach, in his report says that at Athabasca Landing permits for 130 gallons of liquor have been cancelled.

Commissioner Herchmer further says: "I still think that there are too many licensed houses in some districts, and that some of the license inspectors do not exercise sufficient vigilance in closing bars at the proper time."

The superintendents of the force speak favourably of the operation of the ordinance. Superintendent Steele, Regina, says: "On this question I may say that there is much less liquor sold now than there was during the first year of the license

ordinance; and there is much less drunkenness amongst the public than when the permit system was in force."

Inspecter Wilson, at Estevan, reports eleven cases of drunkenness, but explains that they were mostly amongst labourers of the Soo railway construction, for which Estevan was the district headquarters, that they occurred after pay days, and that the illicit liquor dives, the "blind pigs," were kept on the Dakota side, and did not enter Canada.

The favourable operation of the ordinance is especially shown by the report of Inspector Constantine, Moosomin, who writes: "The license ordinance of 1891 is fairly carried out, and drunkenness does not appear to be on the increase; on the contrary, the cases coming before the justices for the year ended November 30th, 1893, were twenty as against twenty-nine for the year ended November 30th, 1892."

Superintendent Griesbach, Fort Saskatchewan, reports that, "That the license system being in its second year, things have settled down to much the same state of affairs as exist in other places where the system is in force."

Superintendent Jarvis, of Calgary, expresses the condition well when he reports: "Under this heading (liquor laws) there used to be a good deal to say in the old permit days; but under the license ordinance the selling of liquor has been brought to the position of an exact science, which being carefully looked after by a board of commissioners and several inspectors, is found to work satisfactorily. Very few infractions of the law have come under my notice this year."

Superintendent Howe, of Battleford, also reports: "A great change was effected in the liquor laws through the introduction of licenses, on the whole the license system has given satisfaction."

"The liquor license in this district has worked fairly well, and, in my opinion, it is preferable to the old system."

With regard to the obtaining of liquor by Indians, Superintendent Perry, Regina, reports three cases.

Inspector McGibbon, Saltcoats, reports: "The Indians on the Côté Reserve are addicted to drinking, and will do anything to obtain liquor." He also reports that they obtain liquor from Yorkton, but where, he has not discovered.

Superintendent Deane, of Lethbridge, reports eight convictions of Indians for drunkenness; and Superintendent Griesbach reports eight convictions out of twelve prosecutions.

Superintendent Howe reports: "In the early part of the year a few Indians were arrested," and where proof was forthcoming, both the Indian and the furnisher of liquor were punished. This prompt action had the desired effect, and no cases have occurred since. He does not consider that much drunkenness prevails amongst the half-breeds at Battleford, though when license was first introduced, they drank considerable quantities of spirituous liquor. Since they found they could obtain liquor as they wanted it, and that it was good for neither their pockets nor their constitutions, drunkenness has decreased. He again suggests that the North Saskatchewan should be the northern boundary for license.

The report of the Minister of the Interior for 1893 embodies reports from the Lieutenant-Governors of the North-west Territories and Keewatin.

Lieutenant-Governor Mackintosh reports the issue of permits in the North-west Territories for the importation of the following:—

| | | |
|---|---|---|
| Whisky | 56 | gallons. |
| Brandy | 47½ | " |
| Rum | 9 | " |
| Total spirits | 112½ | " |
| Wine | 23½ | " |
| Total | 136 | " |

Lieutenant-Governor Schultz, of Keewatin, reports:—"I am again able to make you the gratifying announcement that still another year has passed with an entire absence of crime in this district. The clauses of the Keewatin Act regarding intoxicants have been rigidly enforced, and permits have only been issued on the recommendations of missionaries, justices of the peace and the higher officers of the Hudson Bay Company, and then for medicinal and sacramental purposes only."

The statistics of convictions for offences of all kinds in the Territories will be found at page 67 of this report. They include the convictions by magistrates and others forwarded to the Department of Agriculture, and published in the annual volume of criminal statistics, and also convictions by the officers of the North-west Mounted Police, which are included in the annual reports of the Department of the Interior.

As population increased in the Territories, it was to be anticipated that the ratio of the number of convictions to the population would also increase, and the more especially as the population was added to by immigrants accustomed to entirely different social conditions, and who were unacquainted with the laws and habits governing the people amongst whom they had come to settle. It may be stated, with reference to the population shown on the statement just referred to, that it includes the estimated population of the unorganized territory, which has remained well-nigh stationary. The census return showing that in 1871 it was 30,000; in 1881, 30,931, and in 1891, 32,168. The organized territory gave a population in 1871 of 18,000; in 1881, 25,515, and in 1891, 66,799. (Census 1891, tabe 9).

Adopting these latter figures as those of the population, the ratio of offences in 1881 would be 3·10 per thousand of the population; in 1891, 8·30 per thousand of the population. From 1888 offences steadiy and largely increased, this whilst tha permit system was in force. It was not to be expected that there would be a diminution in the number of offences immediately the license system was adopted. Between 1890 and 1891, the nnmber of offences increased by 17 per cent. Between 1891 and 1892 the increase was nearly 32 per cent. The Liquor License Ordinance took effect in May, 1892. The increase in convictions between 1892 and 1893 was only a little more than three per cent.

Appendices Nos. 7 and 15 contain such information as the Commissioners have been able to collect in regard to the number of prisoners in jail, and lunatics confined in the asylum.

In the following letter are given the numbers of licenses issued, and the amount received for licenses for 1892:—

"Lieutenant-Governor's Office,
"Regina, N.W.T., 6th May, 1892.

"Sir,—I am directed by His Honour the Lieutenant-Governor of the North-west Territories to acknowledge the receipt of your letter of the 29th ultimo, requesting, on behalf of the Royal Commissioners appointed to inquire into the liquor traffic, such information upon the subject as may be procurable.

"In reply I am to state that a license system was established in the territories for the first time on the 1st of May instant, and the number of licenses issued up to date for the year ending 30th June, 1893, is:—

"1. *a.* Hotels..... 73
"*b.* Restaurants..... 2
"*c.* Wholesale dealers..... 25

"2. The amount of revenue derivable from the licenses issued is:—
"By the territories..... $20,790
"By municipalities and electoral districts..... 7,675

"It is impossible at present to form any calculation as to the probable amount of any fines which may be derived for infraction of the liquor law. I am further

to forward for your information, by this mail, copy of the North-west Liquor License Ordinances, 1891-92.

"I have the honour to be, sir,
"Your obedient servant,
"R. B. GORDON,
"*Secretary to Lieutenant-Governor.*

"J. HICKSON, Esq.,
"Chairman, Royal Commission on Liquor Traffic,
"Montreal."

The following statement shows the quantity of liquor brought into the Territories under permits from the Lieutenant-Governor, between 1883 and 1892, and the quantity *per capita* of the white population.

| Year. | White Population. | Spirits. | Per Capita. | Wine. | Per Capita. | Malt Liquor. | Per Capita. | Beer. | Per Capita. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | 4 % | |
| 1881 | 6,974 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| 1882 | 9,873 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| 1883 | 14,027 | 4,451 | 0·317 | 727 | 0·051 | 1,558 | 0·111 | ..... | ..... |
| 1884 | 19,928 | 5,405 | 0·271 | 938 | 0·049 | 3,565 | 0·179 | ..... | ..... |
| 1885 | 28,192 | 3,684 | 1·130 | 756 | 0·026 | 5,322 | 0·188 | ..... | ..... |
| 1886 | 31,011 | 6,592 | 0·212 | 975 | 0·031 | 12,996 | 0·419 | ..... | ..... |
| 1887 | 34,112 | 6,980 | 0·205 | *989 | 0·029 | 13,667 | 0·041 | ..... | ..... |
| 1888 | 37,523 | 8,561 | 0·228 | 1,081 | 0·028 | 20,978 | 0·559 | 25,767 | 0·686 |
| 1889 | 41,275 | 11,660 | 0·282 | 1,422 | 0·034 | 26,098 | 0·632 | 112,448 | 2·724 |
| 1890 | 45,602 | 12,417 | 0·272 | 1,464 | 0·032 | 42,673 | 0·936 | 97,116 | 2·129 |
| 1891 | 56,694 | 14,341 | 0·279 | 1,625 | 0·031 | 18,933 | 0·366 | 86,926 | 1·681 |
| 1892† | 56,181 | 3,717 | 0·066 | 315 | 0·005 | 2,218 | 0·039 | 4,650 | 0·083 |

* Sacramental.
Four per cent beer was admitted in 1888.

Beer and wine sold in Canadian Pacific Railway dining cars.

| Year. | When sold. | Wine. | Malt Liquor. |
|---|---|---|---|
| 1887 | December 10th, 1886, to November 25th, 1887 | 177 | 3,391 |
| 1888 | January 25th, to November 25th, 1888 | 3,470 | 253 |
| 1889 | do December 25th, 1889 | 164 | 2,607 |
| 2890 | do do 25th, 1890 | 82 | 889 |
| 1891 | do do 25th, 1891 | 76 | 673 |
| 1892 | North-west Mounted Police canteen, beer | ..... | 7,700 |

† The License Act of the Territories was assented to on January 25, 1892, and came into force on May 1, 1892.

## BRITISH COLUMBIA.

The laws relating to the liquor traffic in British Columbia are somewhat complicated, and a complete and exact statement of them could only be made after examination of the ordinances and by-laws passed by such cities and municipalities as have been given power, either under the general licensing acts, the municipal acts, or acts of incorporation, to make by-laws regulating the traffic, fixing the fees, &c. Summaries of the statutory laws of Vancouver and British Columbia are given in Appendices 72 and 73.

The statutory law prescribes:—

1st. The fees to be charged for licenses in what are known as town and rural districts, temporary licenses for booths, and licenses for sale on steamers, and the regulations under which these licenses are to be issued.

2. Authorizes the creation of a licensing authority in cities and municipal districts; fixes the maximum and minimum fees which the municipal authorities may exact for licenses; the conditions as to renewals, transfers, &c., and confers the power of making by-laws regulating the traffic.

3rd. The conditions in regard to granting licenses, in districts in the neighbourhood of which licensing courts are not held, by the Superintendent of provincial Police, or a stipendiary magistrate, and the granting in such districts of wholesale license by an agent of the Government.

The Municipal Act, 1892, contains most of the provisions relating to the granting of licenses in cities and municipal districts, but the cities of New Westminster and Vancouver are only subject to that Act "in so far as it is not repugnant to, or inconsistent with, their Acts of Incorporation, or any Acts or Proclamations applicable to either of them," and these two cities possess some exceptional powers in regard to the traffic under their Acts of incorporation and amendments thereto.

*Towns, Rural Districts, Booths and Steamers.*

The Provincial Government collects the fees for all licenses in what are called towns, townships, and rural districts, not being municipal districts. These fees are:—

For each person vending spirituous or fermented liquors, retail for each house or place in the province where such vending is carried on,

In a town of not less than fifty inhabitants, $100 per six months.

In a rural district, not forming part of a town, $30 per six months.

For a wholesale license, $100 per annum.

For a license for a booth, to be in force not more than 48 hours, $10.

For a license for a steamer, $30 per six months.

To obtain a retail licence the applicant has to petition, and also present a certificate or requisition in favour of granting such licenses, signed by at least two-thirds of the residents (other than Chinese or Indians), over 21 years of age, in the town, village or settlement where the place sought to be licensed is situated, and no one is entitled to sign such requisition who has not been a resident for one month or more. The applicant for such license has to present his petition to two justices of the peace, fifteen days before the day of sitting of the justice of the court to consider and grant licenses, and has, further to give one month's notice of his intention to make such application; and no retail licenses is granted, excepting on the certificate of two justices of the peace. No person can obtain such a license for retailing liquor who has not been a resident of the province for a period of twelve months. Any interested person can appear before the justices of the peace and oppose the granting of the license. The license is only granted in respect of the premises mentioned in the certificate presented, and no person so licensed is allowed to carry on such business, under the authority of such license, in any other premises. The Act (51 Vic., chap. 73, 1888,) exempts houses or persons previously licensed from presenting the certificate or requisition in respect of a renewal of their licenses (Sec. 23); but provision is made for the judge of the supreme court or a judge of a county court cancelling any license for cause or on petition of residents, (Sec. 28). Anyone convicted of giving or selling to an Indian, in addition to other penalties may, on conviction, have his license cancelled, at the option of the convicting Justice. (Sec. 29). The sale of licensed premises does not include the transfer of the license. The purchaser must obtain a certificate from the Government Agent and two justices of the peace. (Chap. 10, 1889.)

To obtain a wholesale license in these districts, the person desiring the license has to make application to the government agent, and hand in a certificate signed by a majority of the registered voters being, householders, resident within a radius

of five miles from the premises sought to be licensed, and there must be resident within five miles of such premises at least twenty registered voters, who must be householders.

The power of granting and renewing these wholesale licenses rests apparently entirely with the government agent, subject to an appeal to the county court judge, in case of refusal to issue. Every license so granted remains in force for one year from the date of its issue, and is to be construed to mean a license for selling, bartering or trafficking, by wholesale only, in intoxicating liquors, in warehouses, stores, shops, or places other than hotels, inns, taverns, ale or beer houses, or other houses of public entertainment. The smallest quantity to be sold under this class of wholesale license is two gallons, or one dozen reputed quart-bottles.

A license for a booth, not lasting more than forty-eight hours, may be issued, on the certificate of two justices, to any person holding a regnlar retail liquor license.

A license may, on application to two justices, be issued at any time to any steamer plying in British Columbian waters, for the sale of fermented and spirituous liquors to the passengers and crew.

*Licenses in Cities and Municipalities.*

In cities licenses are granted by a Board of License Commissioner, composed of the Mayor (or substitute), the Police Magistrate, an Alderman, and two Justices of the Peace chosen by the Council.

In township or district municipalities licenses are granted by a Board of Commissioners composed of the Reeve (or substitute), two Councillors, and two justices of the Peace chosen by the Council.

To obtain a license in a city, a petition has to be sent in to the Board of License Commissioners by the applicant, and also a petition or requisitlon signed by two-thirds of the lot owners, and two-thirds of their wives (if any), also by at last two-thirds of the resident householders and their wives living with them (if any) on the block of land within which the place to be licensed is situated, and the same proportion of the same classes on the block on the same street opposite the premises to be licensed. In the case of a corner house being proposed to be licensed, the same classes in the same proportions opposite to each front of the said house have to sign the requisition.

No new license can be issued in any city or town municipality containing a population of less than 1,000, unless, in addition to other requirements and provisions, a petition or requisition in favour of the granting of such license, signed by at least two-thirds of the lot owners and resident houseboulders, and the wives of such lot owners and householders living with them within the city or town municipality in which the premises sought to be licensed are situated, shall be presented to the board of Licensing Commissioners. The Licensing Board is not bound to grant licenses or transfers of licenses, even if all the formalities are complied with, but they are forbidden to grant them in any cause unless the applicant has, prior to the granting fully complied with the provisions of the law. The law provides for notice being given of intended application for licenses and the transfer and renewal of licenses, the presentaton of a map or plan showing the place to be licensed, and the neighbourhood in certain cases, and a list of the residents and their wives (if any). The holders of licenses issued prior to the passing of the Municipal Act of 1891, namely, 20th April, are not required to make application for a renewal of their licenses. They simply require to pay each six months the amounts of their license fees, and apparently their licenses continue, except under the conditions hereinafter referred to. Every person to whom a license has been granted subsequent to April 20th, 1891, has, if he or she desire a renewal of the same, to make application to the Board of License Commissioners for such renewal, and the board may grant or refuse such renewal at its discretion. No new license is granted or renewed for a longer period than six months, and no such license is saleable or transferable under any conditions. The commissioners are empowered to hear complaints against the holders of licenses, and they have power to revoke or suspend licenses for any period. If the holder of a license be convicted of any criminal offence, the commissioners may, upon proof of

conviction being furnished them, cancel and revoke his license. These powers in regard to complaints and convictions apply to licenses granted prior, and subsequent to, April 20, 1891.

A license may be granted for an hotel containing not less than thirty rooms, on application made direct to the Licensing Commissioners, after prescribed notice, and the Commissioners are empowered to grant and renew such license for one year, without requiring the presentation of a petition signed by the owners of lots, etc. Anyone of the full age of twenty-one years, resident in the district where licensed or proposed-to-be-licensed premises are situated, may appear in court and oppose before the Commissioners the granting, or renewal where granted, of a license.

In certain districts lying outside the municipalities wholesale licenses are issued and renewed by an agent of the government, and in districts in which the regular licensing courts are not held, the superintendent of provincial police or a stipendiary magistrate is empowered to grant, to fit and proper persons, licenses to sell intoxicating liquor by retail, such licenses to be for one year. Security may be required by bond, with two sufficient sureties, in a sum not exceeding $500, for the orderly conducting of the licensed premises and the observance of the law against supplying liquor to Indians.

A stipendiary magistrate may, in open court held in the county within which the person concerned resides, prohibit the selling by any licensed person of liquor to a drunkard, the law defining the meaning of the term "drunkard," and inflicting penalties for selling or procuring, contrary to such order, liquor for such drunkard, except under the direction of a medical practitioner or minister of religion. The drunkard may himself make application for such order. Penalties are imposed upon licensed vendors selling to intoxicated persons.

Prior to the law of 1891, there does not appear to have been any Provincial enactment prescribing the hours of opening and closing licensed places, or against the sale on Sunday or any part of Sunday. The municipal councils had, it is true, been empowered to make by-laws in regard to these matters, but it would appear that the municipal authorities had taken no efficient action on the subject, seeing that the Provincial Legislature found it necessary in this year (1891) to enact that there should be no selling in licensed places between eleven o'clock on Saturday night and one o'clock on Monday morning, or, in other words, from one hour before midnight on Saturday to one hour after midnight on Sunday, nor on any day in which by statute in force in the province, or by any municipal by-law, the bar-room or bar-rooms of licensed places ought to be kept closed. The evidence taken by the Commission goes to show that this enactment has been attended with beneficial results. The Commissioners have not had placed before them anything indicating that the municipal authorities have extended this comparatively limited restriction on the hours of selling, but, on the contrary, it would appear that licensed premises may still be kept open in most places during the whole twenty-four hours of every day, save and except as restricted by this enactment. In New Westminster the Chief Constable stated that places were supposed to be closed at two a.m., and opened again at 6 a.m., but, as a matter of fact they generally closed between eleven p.m. and twelve midnight. (Q. 41775–41777.) The evidence taken does not show that there have been many breaches of this Sunday closing law. The officers charged with the carrying out of the law complain that they find a difficulty in securing convictions, owing to the fact that neither the law nor the by-laws provide that the bar-rooms or places where liquor is sold shall be kept absolutely locked up, and in consequence they are lighted up and used as sitting or lounging rooms in many cases, and when they are visited, unless parties are absolutely found partaking of liquor, a conviction cannot be obtained.

Licensees in municipal districts holding licenses granted prior to 1891, have what closely approaches a vested interest in their licenses. They are not called upon to make application for renewals, but the licensing authority may, for cause, suspend or cancel their licenses, and the municipal councils, it would appear, have the power, under the Provincial law (Municipal Act of 1892), to make such by-laws for regulating the manner and conditions under which the Board of Licensing Com-

missioners may authorize and grant, or withhold a renewal to any person holding a license, or to any person to whom a license may thereafter be granted, for limiting the number of licenses, for prescribing the form and conditions of the license to be granted by the Board of Licensing Commissioners, and for regulating and cancelling licenses by the Board of Commissioners before the expiry of the time for which such licenses were issued, as makes this privilege dependent upon the action of these councils. The intention of the law seems to be made clear by section 223 of the Act, which is as follows :—"Unless and until the Council shall pass a by-law under the power conferred upon them by section 242 of this Act, it shall not be requisite for any person holding a license granted before the passing of the Municipal Act of 1891 to make any application for the renewal of the same." Section 242 of the same Act is that which confers upon the councils the powers just referred to.

The fees charged for licenses within municipal districts are paid to the municipal authorities. They are fixed by the Provincial Government at :—

For retail licenses in cities, not less than $100, or more than $200, every six months.

For retail licenses in township or district municipalities, not less than $50, or more than $100, every six months.

License to sell by bottle, containing not less than one pint, in cities, not more than $75 every six months.

For a wholesale license to sell not less than two gallons, not more than $50 every six months.

For a restaurant selling beer, &c., with meals, not more than $50 every six months.

For a hotel in cities, containing not less than thirty rooms, not less than $100, or more than $200, every six months.

For a club where liquor is sold, in municipalities, $100 per annum.

In Vancouver it was given in evidence (Q. 42235) that there were places for which as high as $500 per annum were charged. This is probably under a city ordinance passed under special powers conferred by the city's Act of incorporation.

The provincial law does not contain any local option powers, and, as nearly all the licenses were issued prior to the change in the law made in 1891, only those seeking new licenses are required to obtain the petition or recommendation of the lot-owners and householders provided for in the law.

The number of licenses which may be issued is not restricted under the general law, but selling to drunkards, minors and Indians is prohibited.

In the case of Vancouver, it was stated in evidence that the number of licenses which could be issued was restricted; that the maximum number had been reached, and that no more could be granted until an increase in the population had taken place.

It was given in evidence before the Commission that there were about one hundred and seven licenses of all kinds issued in the city of Victoria. (Q. 39097). The population, according to the census of 1891, was 16,841, and if it be assumed that in 1892 there were 18,000 people, that would give one license to every 168 of the population.

It was stated by Mr. Beaven, the mayor of the city, that at one time there were 80 saloons licensed, and that in 1892 there were only 47. (Q. 39169). The police Magistrate of the city stated that he had been struck, both as a magistrate and a citizen, by the fact that the saloons were open at all hours of the night, which was contrary to his previous experience in New Zealand and Australia, and that the only limitation as to the hours in which sales might take place was that imposed by the provincial statute having reference to selling on Sunday. (Q. 39352).

The city of Victoria derives a revenue from liquor licenses of from $18,000 to $20,000 per annum. It has, of course, a large floating population, and it is probable that there is a considerable quantity of liquor sold there which is exported from the city.

The report of the chief of police of Victoria, for the year 1891, supplied the following information in regard to offences committed in the city, during the year :—

| Nature of Offence. | Committed by all, except Indians and Chinese. | Committed by Indians. | Committed by Chinese. | Total. |
|---|---|---|---|---|
| Assault | 30 | 8 | 4 | 42 |
| Infraction of city by-laws | 136 | ..... | 39 | 175 |
| Drunkenness | 406 | 175 | 1 | 582 |
| Gambling | 29 | ..... | 12 | 41 |
| Infraction of public morals Act | 36 | ..... | 5 | 41 |
| Supply intoxicants to Indians | 29 | ..... | 2 | 31 |
| Vagrancy | 42 | ..... | 4 | 46 |
| Possession of intoxicants | ..... | 35 | ..... | 35 |
| Other offences | 96 | 3 | 12 | 111 |
| Total | 804 | 221 | 79 | 1,104 |

SUMMARY OF CASES BEFORE THE COURT.

| | | | | |
|---|---|---|---|---|
| Convicted in police court | 804 | 221 | 79 | 1,104 |
| Sent for trial | 31 | 2 | 6 | 39 |
| Discharged | 231 | 28 | 31 | 290 |
| Grand total | 1,066 | 251 | 116 | 1,433 |
| Total cases before the court for drunkenness | 423 | 182 | 1 | 606 |

Of the total number, 1,433, 917 were arrested by the police. The others were brought in by warrant, given in charge, or summoned. Taking the population as being 17,000 in round numbers, the total offences were equal to 84·29, and the cases of drunkenness to 35·64 per 1000 of the population, both very high ratios.

Evidence was given that the license law was well observed in this city (Q. 39244), and that the saloon and hotelkeepers were respectable men (Q. 40167).

In Nanaimo there are said to be twenty-one retail and two wholesale licenses issued. Holders of retail licenses pay $300 per annum and holders of wholesale licenses $100, so that the city derives at this rate a yearly revenue of about $6,500 from liquor licenses. The population, according to last census, was 4,595. It was variously estimated by those who gave evidence before the Commission as between 4,000 and 5,000. Supposing it to be the latter number, the licenses would be 1 to every 217 of the population. Of the twenty-one retail licenses, twenty are said to have been issued prior to 1891 (Q. 40901), and are what are known as "old licenses." There appears to have been no restriction by the council in the hours within which liquor could be sold. The only restriction in that respect is what is imposed by the provincial law. Witnesses examined in this city stated that the Sunday closing law had been attended with beneficial results; that offences were not numerous, and that the community were orderly and law-abiding. The police magistrate, speaking of the holders of licenses, stated that they were men of good moral conduct and integrity, and of a worthy class. There is a large mining population in the neighbourhood of Nanaimo.

New Westminster, according to the census return, had, in 1891, a population of 6,678. The police magistrate stated that he had had 259 cases before his court in 1891, of which number 132 were cases of drunkenness. He thought the Sunday closing law was well observed. (Q. 41657).

The mayor, Mr. William B. Townsend, estimated the population of the city in 1892 at 7,000. He said that there were, in round numbers, 1,000 Chinese in New

Westminster, and a very mixed sea-faring population. Many of this class were Italians and Greeks, who went to New Westminster for fishing. (Q. 41513-15). He stated that there were fifteen hotels, two saloons and one wholesale place licensed. The saloons were places for the sale of liquor pure and simple. They had no hotels coming under the law relating to such establishments having thirty or more bedrooms. The amount of the license fee charged was $100 for six months. At this rate, the revenue would be about $3,600 per annum. The mayor also said that there was only one licensee who had complied with the conditions of the law requiring the signatures of lot owners and householders. (Q. 41609). He further stated that there was a city by-law under which barrooms had to be closed on Sundays. Under a local by-law licensed places had to be inspected by the chief of police, who was license inspector, and that the practice in regard to the removal of licenses was, that as long as the hotels and saloons were kept in an orderly and respectable manner, all the parties keeping them had to do was to come forward regularly and pay their fees, and their licenses would be renewed. He quoted the following clause of the city license law:—

"Whenever in consequence of the death of the person holding any license under the by-law, or in case of the lease having expired by the fluxion of time or by operation of the law he has been deprived of the licensed premises, the legal representative of such person or the landlord or other person interested in the premises or assignee at law may on applying to the licensing board, notwithstanding the non-protection of the license, obtain a transfer of such license on such premises as may to the board seem just: and the application for such transfer shall be accompanied by a fee of $2.50, which shall be made as provided by the preceding clause; provided, nevertheless, that no such transfer shall be granted unless a majority of the board is of opinion that the person to whom it is proposed to make such transfer is a proper person to hold such license." (Q. 41539.)

The evidence taken went to show that the law against selling on Sunday was well observed, and that the effect of it had been beneficial. The chief of police stated that the people of New Westminster were most orderly and law abiding; that the licensees observed the Sunday closing law; that they were supported by the citizens, and that there had been no complaints of violation of the law since it had been brought into force. He considered that it would be no advantage if the barrooms were locked up on Sunday, and no lights allowed in them. Witness explained that he was on a portion of the Canadian Pacific Railway, near Rat Portage, during construction, as constable; that he found it impossible to enforce prohibition under the Public Works Act, and that there was smuggling, the liquor brought in being of very poor quality. He spoke of it being brought in barrels, with meal packed all around, sometimes in barrels carried in front of an engine, and said that he and those with him faithfully endeavoured to carry out the law, but they found it impossible to do so. (Q. 41753–765).

In Vancouver there appear to be fifty retail, eight saloon, and seven wholesale licenses issued. The mayor, Mr. Frederick Cope, explained that the number could not be increased until an increase in the population had taken place. The population of the city, according to the census return, was, in 1892, 13,865. Mr. Cope estimated it in 1892 as 20,000, and said that there were about 1,000 Chinese in the city. There is a large floating population. One class of the license fees is as high as $500. This is a higher figure than that named in the general licensing Act or in the general municipal Act. The authority to make this charge is evidently conferred under the special legislation referring to the city. The revenue collected by the city from liquor licenses appears to be about $18,400 per annum. (Pp. 610–612).

The police magistrate stated that in the matter of sobriety and observance of the law Vancouver would compare very favourably with similar places in the east, of which he had had some experience (Q. 42031), and that the offenders who were brought before him were principally outsiders. (Q. 42092).

The chief of police stated that the Sunday law was very well observed. (Q. 42113). There were one or two convictions when the law came into operation. Most of the cases of disorderly conduct and drunkenness were amongst the floating population. With regard to the illicit sale of liquors, he thought there was very

little outside of houses of ill-fame. There was, of course, some sale in these, and there were a considerable number of them in the city. (Q. 42153-9).

A license inspector is employed, who co-operates with the police. It is his duty to visit licensed places and report upon them, to see that licenses are properly issued, and that the licensees observe the law. (Q. 42181-3). This inspector considered that the Sunday law was fairly well observed (Q. 42189), and that in the matter of sobriety and order the city of Vancouver would compare favourably with other places similarly situated. (Q. 42176). Witness occupied the position of jailor as well as that of license inspector. He stated that of the total number committed to prison in 1890 (786), 232 were for drunkenness.

No return is made to the provincial Government of the number of licenses issued by the municipal authorities, or of the amount of revenue derived for licenses. There is no provision in the law requiring such returns.

It is well-nigh impracticable, in a summary, to do justice to the importance of the evidence taken in this province. Many of the witnesses examined were from Ontario, and made important statements as to the working of the Canada Temperance Act (Scott Act) in parts of that province. There were also witnesses who had visited New Zealand and the Australian colonies, and who had imparted interesting particulars in regard to the traffic in those countries.

The Province of British Columbia has a long coast line, and, as compared with the permanent, a large floating population, made up of sailors and fishermen of all nations. Under these circumstances, that the consumption of liquor and the convictions for offences against the laws should both be large, as compared with those in the other provinces, might reasonably be expected. The only information to be obtained in regard to the consumption of liquors is from the quantities entered, and on which duties have been paid, from year to year. The statement of these will be found at page 42. They were as follows:—

| | Gallons per capita. | | |
|---|---|---|---|
| | Spirits. | Beer. | Wine. |
| Average for the 5 years ended 1875 | 1·214 | 1·839 | ·398 |
| " " " 1880 | 1·366 | 3·409 | ·424 |
| " " " 1885 | 1·359 | 3·825 | ·716 |
| " " " 1890 | 1·369 | 5·409 | ·518 |
| " 3 " 1893 | 1·480 | 7·145 | ·466 |

There has been, doubtless, a very considerable export of liquors from British Columbia in sealing and fishing vessels, and to Alaska and the North-west Territories. Again, the floating population which cannot, of course, be taken into account in computing the *per capita* consumption, are unquestionably large consumers.

The statistics of convictions for crime are also much larger per 1,000 of the population than in the other provinces, probably in a great measure from the same cause, as everywhere the statements made to the commissioners were that the offenders in the seaport cities and towns were "outsiders" visiting the ports. A comparison will be found at pages 140–142, of the convictions in the various provinces and of the liquor *per capita* entered for consumption.

The convictions for offences in British Columbia were as under:—

| | Per 1,000 of the population. | | |
|---|---|---|---|
| | All convictions. | Drunkenness. | Offences against the liquor license laws. |
| Average for the 5 years ended 1885 | 9·78 | 4·94 | 1·54 |
| " " " 1890 | 11·16 | 4·60 | 1·22 |
| " 3 " 1893 | 13·98 | 6·26 | 1·52 |

The great bulk of the evidence taken by the commission on the subject was to the effect that the liquor laws are well observed, and that there are comparatively few offences against them committed by the licensed vendors. The terms upon which vendors hold their licenses are such as, it would be natural to conclude, would make them careful, for, as the law stands at present, they seem to be assured of a renewal of their licenses unless they are reported against for breaches of the the law. It will be noticed, however, that the ratio per thousand of convictions for offences against the liquor laws is much higher in this province than in any other. A very large proportion of these offences is classified as being for selling liquor to Indians. Of 148 convictions for offences against the liquor laws in 1892, 82 were due to this cause. The statement was made by witnesses who appeared before the commission that this supplying of liquor to Indians was not done by licensed vendors, and that in not a few instances the offence was committed by Chinese. (Q. 39275).

A statement will be found in appendix No. 16 of the number of persons admitted to the insane asylum of the province annually, and the number remaining therein at the close of each year, from 1872 to 1893, and in appendix No. 8 a statement of the number of prisoners committed annually to the jails of the province, and the number remaining at the end of each year, from 1890 to 1893.

The commissioners have made every effort to ascertain the exact amount of revenue derived by the provincial government and the municipalities from the issue of liquor licenses in the province. Notwithstanding the fact that their efforts were supported by the provincial authorities, they have been only partially successful. The following statement was received from the Provincial Secretary, with the intimation that, "the return shows the amount received by the Government only. To procure the same information from the municipalities I can only suggest that an application be made to the clerks of the respective municipalities, a list of which is inclosed."

VICTORIA, B. C., 10th May, 1892.

"Number of spirit licenses issued in the Province of British Columbia (exclu-
"sive of those issued in the several municipalities) during the following fiscal
"years:—

| | | | | |
|---|---|---|---|---|
| 1st July, 1873, to 30th June, 1874 | 240 | spirit | licenses | $20,910 00 |
| 1874-1875 | 218 | " | " | 19,620 00 |
| 1875-1876 | 249 | " | " | 21,050 00 |
| 1876-1877 | 248 | " | " | 21,020 00 |
| 1877-1878 | 219 | " | " | 19,630 00 |
| 1878-1879 | 189 | " | " | 17,340 00 |
| 1879-1880 | 206 | " | " | 18,980 00 |
| 1880-1881 | 220 | " | " | 19,770 00 |
| 1881-1882 | 186 | " | " | 16,090 00 |
| 1882-1883 | 165 | " | " | 14,000 00 |
| 1883-1884 | 145 | " | " | 13,330 00 |
| 1884-1885 | 188 | " | " | 16,660 00 |
| 1885-1886 | 249 | " | " | 21,260 00 |
| 1886-1887 | 240 | " | " | 20,630 00 |
| 1887-1888 | 206 | " | " | 18,650 00 |
| 1888-1889 | 148 | " | " | 13,510 00 |
| 1889-1890 | 186 | " | " | 16,090 00 |
| 1890-1891 | 174 | " | " | 15,500 00 |

NOTE.—In the above are included steamboat licenses to sell liquor; but in any one year not more than five licenses were issued. The rural municipalities are not included in the above, and are as follows:—North Cowichan, Chilliwhack, Delta, Richmond, Langley, Surrey and Maple Ridge. Their licenses, since 1876, would probably average $100 each per annum.

"The only municipalities materially affecting the foregoing return are the cities of Victoria, New Westminster, Nanaimo and Vancouver, which issue and regulate their own licenses. It will be seen that the number of licenses issued in

the different years varies considerably. This is partly accounted for by the fact that some are collected at the end of the fiscal year, when they are really intended for the following year."

Application was made to the municipal authorities, both direct and through the Provincial Secretary, who kindly undertook to communicate with each municipality. In a letter the secretary says:—"Certain blank forms of returns * * * were forwarded to the municipalities to which they were addressed, without delay, and the clerks were asked to lose no time in completing the forms and returning them to your address." It was explained that several of the municipalities had been in existence but a short time, and that no returns need be expected from them. In a later communication the Honourable Provincial Secretary wrote; In the event of no attention being paid by the municipal clerks to my last request, I am afraid I can render no further assistance in the matter."

From such returns as were received direct from some of the municipal authorities, and from facts collected from other sources applied to, the information which is given in the following statement has been compiled. It is probable that it is not complete, and does not embrace all the licenses issued and the amounts received by municipalities.

BRITISH COLUMBIA.

STATEMENT showing the number of licenses issued and the amounts received from licenses and fines from 1880 to 1892.

| | No. of Licenses. | By the Government. | | By the Municipalities. | | Total. | |
|---|---|---|---|---|---|---|---|
| | | Fees. | Fines. | Fees. | Fines. | Fees. | Fines. |
| | | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. |
| 1880 | 222 | 18,980 00 | ..... | 2,465 00 | ..... | 21,445 00 | ..... |
| 1881 | 232 | 19,770 00 | ..... | 2,390 00 | ..... | 22,160 00 | ..... |
| 1882 | 202 | 16,090 00 | ..... | 2,500 00 | ..... | 18,590 00 | ..... |
| 1883 | 183 | 14,000 00 | ..... | 2,530 00 | ..... | 16,530 00 | ..... |
| 1884 | 161 | 13,330 00 | ..... | 2,510 00 | ..... | 15,840 00 | ..... |
| 1885 | 206 | 16,660 00 | ..... | 2,585 00 | ..... | 19,245 00 | ..... |
| 1886 | 293 | 21,260 00 | ..... | 9,530 00 | 100 00 | 30,790 00 | 100 00 |
| 1887 | 298 | 20,630 00 | ..... | 11,890 00 | 180 00 | 32,520 00 | 180 00 |
| 1888 | 283 | 18,650 00 | ..... | 15,075 00 | 220 00 | 33,725 00 | 220 00 |
| 1889 | 260 | 13,510 00 | ..... | 23,950 00 | 347 00 | 37,460 00 | 347 00 |
| 1890 | 300 | 16,090 00 | ..... | 25,660 00 | 452 00 | 41,750 00 | 452 00 |
| 1891 | 400 | 15,500 00 | ..... | 45,385 00 | 369 00 | 60,885 00 | 369 00 |
| 1892 | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

NOTE—No returns from New Westminster prior to 1889. Number of licenses in Surrey County estimated ; the largest number in any one year being 5. No returns from Chilliwhack.

From these incomplete returns, it would appear that there were issued in the province in 1891, not less than 400 licenses, viz. :—

By the provincial government .....174 licenses.
By the municipalities.....226 do

400

and the amounts collected therefor were:

By the provincial government.....$15,500 00
By the municipalities..... 45,754 00

$61,254 00

Taking the population as returned in the census for 1891, (98,173), these figures would give one license for every 245 of the people. Leaving out Indians (34,959), the ratio would be one license for every 158 of the population.

The amount collected by the provincial Government has decreased. This probably arises from the organization of a larger number of municipalities, or from municipalities organized taking charge of the licensing.

## BRITISH COLONIES.

Such information as the Commissioners have been able to collect in regard to the laws of the British colonies, and the effect of these laws, has been got mainly from returns laid before the Imperial Parliament and from standard works in regard to the various dependencies of the Empire.

In the portion of this report which refers to the Cape of Good Hope will be found much interesting and valuable information in regard to the prohibition of supplying intoxicants to natives.

The information on Tasmania contains a report from Captain Shaw, the commissioner of police, giving some useful information. That gentleman reports that the offence of drunkenness has largely decreased, and is steadily decreasing in the colony.

In very many of the colonies local option laws exist. They are not uniform in character, but all apparently have one object well defined, viz., the checking of the extension of the traffic and such evils as flow from it. It does not appear that in this direction they have so far been successful, but in some instances, at least, they have not been in force a sufficiently long time to afford a fair test of their efficiency.

In the case of South Australia provision is made for compensation to owners and occupiers in the case of licenses being taken away by vote of the electors.

In the part of this report which refers to the colony of Victoria, reference is made to report of the chief commissioner of police, in which it is stated that in Melbourne, Ballarat East and Ballarat West, where the number of hotels has been materially reduced by local option polls, there has been no corresponding reduction in the number of arrests for drunkenness.

Newfoundland in 1871 passed an Act which conferred local option powers upon certain districts. The object of the Act was stated to be the repression and prevention of the abuses arising from the sale of liquor. Writing upon this Act in 1881, the administrator of the colony said: "I find that it was put in operation in two districts only, Brigus and Burin, for a period some time elapsed, and since then it has been practically a dead letter in the districts referred to. The general opinion was that the Act occasioned more mischief from clandestine sale than had existed under the more general licensing law."

### BASUTOLAND.

The capital of this colony is Maseru, with a population of 862. The total population of the colony is (1891) 218,902, including 578 Europeans. No statistics of crime have been obtained.

The trading regulations prohibit the supplying of liquor to natives. Section 7 says: "The sale, or gift, or disposal in any way of wine, beer and spirituous liquors is strictly prohibited. Any person convicted thereof shall be liable to a penalty not exceeding the sum of £20 sterling, and in case of a second or subsequent offence, to a sum not exceeding £40 sterling, and in the case of a holder of any trading license, he shall, whether upon a first or any subsequent conviction, be liable to the forfeiture of his license, at the discretion of the resident commissioner." It further provides for the forfeiture of liquor in such case. The bringing in of liquor without written permission is punishable by forfeiture of the liquor and a fine not exceeding £20.

Mr. M. Clarke, resident commissioner in 1888, states that formerly a large illicit trade existed, but it has been almost entirely suppressed, and adds that prohibition of the traffic in liquors has had a most beneficial effect.

The same statement was made to the Cape of Good Hope commission on the liquor laws, by Mr. G. T. Lagden, secretary of the resident commissioners.

## BECHUANALAND.

The population of Bechuanaland is 60,376 including 5,254 Europeans. The capital is Vryburg.

No statistics of crime have been obtained.

Supplying natives is strictly prohibited. Sec. 60 of the laws and regulations contain this provision: "Whoever, whether licensed or unlicensed, shall sell, exchange, or for any valuable consideration give to or procure for any native in British Bechuanaland any wine or spirituous, or partly spirituous liquor, in any quantity whatever, shall be liable, in addition to any penalty which may be incurred in respect of the sale thereof without license, to a penalty not exceeding fifty pounds sterling, and in default of payment, to imprisonment, with or without hard labour for a term not exceeding six months, unless such penalty be sooner paid." The penalty for any breach thereof is a fine not exceeding £50, or imprisonment, with or without hard labour, for a term not exceeding six months. The only exception is liquor administered medicinally, the *onus probandi* resting on the person administering it. This was amended in 1888 by increasing the penalty, and, if a trader, adding forfeiture of license for a second offence within three years.

In evidence before the Cape of Good Hope liquor laws commission, it was stated: The law as it now stands seems amply sufficient to check the supply of liquor to natives."

The prohibitory laws have been of increasing stringency, and it is now almost impossible in many districts for natives to obtain intoxicants.

## GAMBIA.

There is a population (1891) of 14,266 in this colony, Bathurst, the capital, having 6,000. In the population there are included 62 whites.

The traffic in spirituous liquors in this colony is regulated by license. In addition to the customs duty on importation, gin and rum, the chief spirits used, pay a duty of 1s. 6d. per Sykes gallon, whilst grog shop licenses are £20 to £30.

"The Sale of Liquor Ordinance, 1880," makes it necessary for vendors to obtain licenses and provides for the punishment of the of the unlicensed vendor.

"The Navy Discipline Ordinance, 1886," prohibits the taking of liquor on board H. M. ships.

"The Palm Wine Excise Duty Ordinance, 1887," revives the duty on palm wines.

The Custom Tariff "Ordinances" impose specific export duties on spirituous liquors.

There are no special regulations having any reference to the sale to, or supplying of, natives.

## GOLD COAST.

Gold Coast, the capital of which is Cape Coast Castle, has a total population of 1,473·382. The capital has a population of 11,614.

"The Spirit License Law, 1887," governs and controls the liquor traffic in this colony, as far as it is controlled, that is, within the district within three miles in a direct line from high water mark on the sea shore, or from the banks of the river Volta. Beyond this line no restriction has been attempted, as it could not be enforced. (*Vide* despatch from Governor Sir W. B. G. Griffith, 15th March, 1888.)

The are no special restrictions on the sale to natives.

## LAGOS.

Lagos, including Yoruba, has a population of 3,000,000, including 6,000 whites.

In 1877 Acts were passed for regulating the liquor traffic by license and customs.

The licenses provided for are: wholesale license, fee for 1 year, £25; for ½ year £15. Retail license (*a*), for any store in Lagos, fee for 1 year £25; for ½ year, £15; (*b*), for any store outside Lagos, fee for 1 year, £5; for ½ year, £2 10s. The area covered by the licenses is only a small portion of the colony.

Customs duties: on wines, liquors, brandy, cordials, etc., per imperial gallon, 1s.; on other spirits, per gallon, 6d.; on malt liquors, per dozen bottles, 9d.; in wood, per gallon, 4½d. These are purely fiscal and police regulations, and natives may obtain an unlimited supply of liquor provided only all dues have been satisfied.

Governor Moloney, in 1888, in a despatch to Sir H. T. Holland, says: "This uncontrolled sale has, it is too visible, a vere degrading and degenerative effect on the aborigines." He advocates an international prohibition, or a uniform high tariff on imports, as probable to prove a very great boon to the natives.

The revenue of this colony is dependent on duties levied on spirits, and the success of any prohibitory, or high tariff policy would depend on its being accompanied by a complete international occupation of the West African coast line.

There was a continual increase in the importation of gin from 1878 to 1885, since when a decrease of from 1,369,912 to 561,412 gallons has taken place. All other liquors from 1878 to 1887 show a marked decrease in the course of the decade.

## MAURITIUS.

Mauritius has a total population of 371,655. The capital of the colony is Port Louis, which has a population of 60,955. In 1892 there were 17,441 convictions in the inferior courts, and 94 convictions in the superior courts.

A system of license prevails in this colony. No special restrictions attach to the trade with the natives.

By the ordinance "To Amend the Law on Licenses," 1878, persons desirous of retailing spirits, etc., must take out licenses. A licensee may sell between 5 a.m. and 9 p.m. only, and taverns and billiard rooms must close at 11 p.m. Mixed drinks and adulterated liquor are forbidden. Selling to drunken or intoxicated men, to children under 15 years of age, or permitting drunkenness, are prohibited. Liquor may not be hawked, and (Ordinance 1866) distillers may not also be retailers.

## SIERRA LEONE.

The reports from this colony are very scanty. The revenue in 1892 was £96,867, of which customs supplied £69,410. There are no restrictions on the sale to natives. No information regarding the working or nature of the license laws has been obtained.

## ST. HELENA.

No information, beyond the fact that there are no restrictions specially applying to natives.

## ZULULAND.

Capital, Eshowe; population (1892), native, 160,000; white, 700.

This protectorate is under the Natal liquor law, and severe penalties attach to in any way supplying liquor to a native, or obtaining it for him.

The penalty is, for offering for sale: First offence, not exceeding £20, or imprisonment up to six months; for second offence, not exceeding £40, or imprisonment up to twelve months, the confiscation of all liquor, and, if a trader, forfeiture of his license. For selling, not exceeding £50, or imprisonment up to six months, provided that liquor may be given medicinally. Kaffir beer, made by and supplied by a native, is exempt. Licenses to white traders for selling to white men are granted; fee £20. Drinking among Zulus is unknown. The existence of native law amongst the Zulus assists the operations of the liquor law.

## BRITISH HONDURAS.

No official information has been obtained, except that no special restrictions affecting the trade with natives exist.

## CAPE OF GOOD HOPE.

The population of this colony is 1,527,224, of which 376,987 are Europeans. The population of the capital, Cape Town, is 83,714. The prisoners in jail at the end of 1892 numbered 2,584. The colony produces large quantities of wine and brandy. The yield in the year ended 31st March, 1893, was: wine, 6,156,943 gallons, and brandy, 1,550,360 gallons.

The liquor traffic in the colony of the Cape of Good Hope has been under regulation and license since the old days of Cape Colony. When the present form of government was established, 11th March, 1853, the traffic was regulated by Ordinance No. 9, of 1851, "For the Better Regulation of the Sale of Wines and Spirituous and Fermented Liquors." This was amended by Act No. 10, of 1860, "An Act to Make Better Provision for the Granting and Withholding of Licenses to Sell Wines and Spirituous and Fermented Liquors." This latter Act does not appear to have been sufficiently effective, for in 1875 Act No. 8, 1875, "An Act to Amend the Law Relating to the Sale of Wines and Spirituous and Fermented Liquors," was passed, the preamble setting forth as its *raison d'être*, that, "Whereas the vice of drunkenness prevails to a great extent, and it is expedient that the law relating to the sale of intoxicating liquors should be amended, and made more stringent, etc." This Act, after making provision for the interests of those then holding licenses, stipulated for the sitting of licensing courts in March and September yearly. Notice of application for license must be advertised in a newspaper for twenty-one days before the date of meeting. No retail license may be granted for any place, not being a town or village, more than six miles from the seat of magistracy, unless the applicant undertakes to keep reasonable accommodation, including food, for man and horse, as the board shall determine. No new license to sell liquor not to be consumed on the premises shall be issued, unless upon a petition in favour thereof, signed by at least one-third of the inhabitants of the ward or district.

Offences:—Selling liquor without a license, fine not to exceed £25, or in default, imprisonment up to three months, provided it be a first offence; for a second conviction, fine not exceeding £50, or in default, imprisonment up to six months, with forfeiture of license, if any; for a third or any subsequent offence, fine up to £100, with or without superadded imprisonment not exceeding six months, or in default of payment, for twelve months, with temporary or permanent disqualification from holding a license; for contravening any section of the Act, fine up to £25, or, in default, imprisonment not exceeding three months; for a third conviction within three years, forfeiture of license, and permanent disqualification; for selling to intoxicated persons, fine not exceeding £10, or in default, three months' imprisonment; for selling to persons under 15 years of age, fine, 1st offence, not exceeding 20s.; 2nd, or any subsequent offence, not exceeding 40s.; for selling or keeping adulterated liquor, the penalty is the same as selling without a license.

An amendment to this Act, passed in 1876, gave auctioneers holding licenses to sell liquors by auction power to sell in any place.

In 1883 a law was passed prohibiting the sale and disposal of any intoxicating liquor to persons of native descent, or of issuing licenses in native locations, the word "native" being defined as applying to any person belonging to, or descended from, any of the native tribes of South Africa. This was by no means the first attempt to deal with this question. On the 29th April, 1825, Lord Charles Somerset, being Governor, issued a proclamation setting forth the serious evils which had arisen from the introduction and sale of intoxicating liquors amongst the natives, and prohibiting the practice, imposing a fine of from 50 to 100 rix-dollars, and the confiscation of liquor, for each offence. How far this was enforced, or beneficial, is not evident, but in 1881-2, when the Native Laws and Customs Commission were taking evidence, the question again came to the front, and in the Liquor Licensing Act of 1883, clauses 20, 21 and 22 provide as follows:—

"20. No license shall be issued for the sale of liquor within the limits of any native location, established or to be established under the provisions of the Native Locations Act, 1876, or the Native Location Amendment Act, 1878, or any Act here-

after to be framed for regulating native locations, except with the permission of the Governor.

"21. In districts where aboriginal natives of South Africa are located or resident, or are congregated upon public or other works or mines, the Governor may define areas, within the limits of which it shall not be competent for any licensing court to authorize the grant of a license for the sale of liquor, except with the permission of the Governor. Any licenses issued in contravention of this and the last preceding section shall be void.

"22 Save and except as to any liquor administered medicinally, no person shall sell, supply or give to any aboriginal native any liquor within the limits of any native location or area proclaimed as aforesaid. Any person who shall sell, supply or give liquor in contravention of this section shall be liable, upon conviction, to the same penalties and forfeiture of license, respectively, as are provided for selling liquor without a license."

In 1885, in accordance with these clauses, Sir Hercules Robinson issued a further proclamation having application to the Transkeian Territories,and including Transkei (embracing Fingoland and the Idutywa Reserve), Griqualand East, Tembuland Proper, Emigrant Tembuland, Bomvanland and Gealikaland. This proclamation provided for the issue of yearly licenses, fee £10, for sale between 8 a.m. and 6 p.m., week days, with closed houses on Sunday, Good Friday and Christmas day. No native, not being a chief, petty chief or councillor, or not holding a permit, could be supplied; penalty, fine not exceeding £10, or imprisonment up to three months. No liquor could be brought in, except on a permit from the chief or resident magistrate, under a penalty, of £20, or imprisonment up to six months, with forfeiture of the liquor. Any person selling without a license, or in unlicensed premises, incurred a penalty of £20, or six months' imprisonment. Licenses could supply lodgers at any time, or *bona-fide* travellers. The words "chief, petty chief, or councillor" were afterwards cancelled, so that the native population were entirely prohibited. The territories of Port St. John's and Walfish Bay were also added to the prohibitory territory.

When the Native Territories Penal Code was drafted a number of stringent provisions were suggested, but these were not embodied in the Act when it became law in 1886.

Proclamations were also made for eight other districts, or portions of districts, in Herschel, Bedford, East London, Hankey, Kimberly, and Beaconsfield, King Williams Town, on the Orange River, and Victoria East. In course of time the operation of the proclamations in some of these places was found by no means satisfactory, and the failure of the law was attributed to the narrow limits of the areas defined. A motion was therefore carried in the House of Assembly appointing a select committee to inquire into the desirability of increasing the areas, so as to include Albany, Alexandria, Bathurst, Peddie, Victoria East, Fort Beaufort, Somerset East, East London, Stutterheim, Kongha, King Williams Town, Wodehouse, Stockenstrom, Queenstown, Tarkastadt, and Cathcart. The committee commenced its labour, but the Attorney-General, foreseeing difficulties relative to parliamentary rules of procedure, and also the powers of the Government, no practical results followed.

In 1887 several of the proclamations were cancelled, and the same year an Act was passed granting exemption from the operation of this law to "all such natives as are graduates or undergraduates of the university of the Cape of Good Hope, ministers of the gospel who hold certificates as elementary teachers, or have reached the fourth or higher standards of education."

In September, 1889, Lieutenant-General Henry Augustus Smyth issued a commission appointing seven gentlemen to inquire,—1st, into the operation of existing laws; 2nd, whether or not drunkenness be increasing amongst the inhabitants, white or coloured; and, 3rd, the feasibility of affecting habits of consumption of intoxicating liquors by means of legislation. The members of this commission did not agree in their deductions. Four presented a majority report in March, 1890, and three presented a minority report in May, 1890. The majority report approved

the principle dictating the constitution of the licensing courts, but found that many "houses of bad repute" obtained licenses, and that "these licensed haunts of vice and hotbeds of crime" formed a source of danger to the community, which it was the intention of the licensing Act of 1883 to suppress, and which could be effectively dealt with were the law enforced. For the purpose of securing thorough investigation of all applications for licenses, formal opposition by the inspector in every case was suggested. The report also recommended the appointment of an inspector of licenses, whose duty it should be to attend licensing courts and give any requisite information, to call and examine witnesses, and also to enforce the observance of the Act. Neither the public nor the police will act on these lines.

The licensing courts have not shown themselves able to cope with the increase in the number of licensed premises in some of the large towns, where the number has become much too large, especially canteens, and out of all proportion to the population. The license commissioners' powers of discretion have not always been wisely exercised in refusals to grant licenses. The report suggested that applications for renewal of license should be treated as if for new license, and that a petition signed by the majority of the registered voters of a locality or district should prevent the issue of any lew licenses therein. Licensees of three years' standing should be forced to apply for renewal yearly, and all objections should be made in writing.

Railway licenses:—These being shown to be greatly abused, the places licensed should be open only on the arrival of passenger trains for the service of passengers only.

It was recommended that in the matter of shop licenses no liquor should be sold in the same premises as other merchandise, nor should merchants be allowed to give customers liquor in the room or rooms where they carried on business. No communication should be allowed between stores used for the sale of liquor and those used for the sale of other merchandise.

Informers:—Recommended that police should not receive any benefit from fines in liquor cases, as did common informers. Said the police were inadequate to carry out the law in many places. No licenses should be issued for places without police supervision.

Adulteration:—The present law being inadequate, it is recommended that provision be made for analysis, and that the poisonous ingredients constituting adulteration be specified as in the English act. Very little direct evidence of adulteration came before the Commission.

Distillation:—New brandy often contains fusil oil; recommended that more care be taken in the distillation, and improved stills introduced.

Selling to children: Present Act requires extending; the word "spirit" having a limited meaning, should be changed to the phrase "intoxicating liquors."

Sunday closing:—The restrictions of the present law should be enforced on all alike, or entirely removed.

Hours of closing:—These should be left to the discretion of the Licensing Boards.

Hawking liquor:—A practice of hawking home-made liquor prevails, and acts injuriously. It should be prohibited, and the prohibition enforced.

Roadside canteen:—These places, originally intended for the accommodation of travellers, have become too numerous, and are sources of evil and demoralization, leading to ruin. These should be reduced to lowest limit, and placed in the hands of respectable men. All applications for canteen license should require the written petition of the majority of the landed population of the district.

Paying wages in canteens:—This practice prevails. It should be suppressed—any offender incurring fine and imprisonment.

Giving liquor to labourers:—A prevalent habit, producing drunkards. It should be entirely suppressed, especially on farms.

Drunkenness:—The evidence as adduced to the growth or otherwise of this habit is extremely contradictory. Statistical returns, properly considered, show a decrease, and dealers say less Cape brandy is sold, and the consumption *per capita*

is less. The reports indicate that it has decreased, the improvement being marked in some places.

Habitual drunkards:—The establishment of curative institutions, to which habitual drunkards can be committed for a period not exceeding 12 months, is recommended.

Selling to natives:—This is dealt with very extensively, and the conclusion arrived at is that drunkenness has not increased amongst natives, nor has any great beneficial result been achieved by the labours of missionaries. The great difficulty is that drunkenness in a native has no shameful stigma. Some good resulted from the prohibitory proclamation, but very slight. Recommends that areas should be proclaimed within which the supplying of liquors to natives, without distinction of position, class, or political privilege, should be totally prohibited. The term "native" should include any aboriginal Kaffir, Fingo, Basuto, Hottentot, Bushman, or the like, all half-castes, coolies, or persons of mixed race living as members of any native community, kraal, tribe or location. The selling or in any way supplying should be prohibited under heavy penalties and the forfeiture of all liquor. Natives found in possession of liquor should be severely punished, and the police empowered to search huts or kraals, etc., on suspicion.

Kaffir beer:—The sale should be made punishable; it should be included in intoxicating liquors in prohibited areas, and any quantity over two gallons found in native possession seized and destroyed. This should extend to the Transkei excise. The weight of evidence that an excise tax is of any value in preventing drunkenness being fatally antagonistic, the Commission in this report do not recommend the imposition of a tax on intoxicating liquor as an effective means to cope with intemperance. (Two of the four members signing the majority report dissent from this last clause).

The minority report:—This commences with a very elaborate defence of the three signers' position with regard to the majority of the commissioners, and concludes by asking that the minority report be taken as partly supplementary to and partly corrective of the other.

Increase and decrease of drunkenness:—This report first deals with the second of the questions referred to the commissioners. A majority of the general witnesses testified to the increase in drunkenness, and native witnesses, with few exceptions, depose that the vice has increased, especially amongst their own people in the east. An analysis of the evidence on this point taken orally and by circular from ministers of religion, magistrates, and assistant magistrates, district and hospital surgeons, and police officers, is shown in the following table:—

| Description of Witnesses. | Increase. | Decrease. | Stationary. | No definite opinion. |
|---|---|---|---|---|
| Ministers of religion | 33 | 12 | 3 | 8 |
| Police officers on native locations | 6 | 14 | 2 | 2 |
| Resident magistrates | 19 | 39 | 12 | 27 |
| District surgeons and superintendents of hospitals | 17 | 30 | 9 | 23 |
| Total | 75 | 95 | 26 | 60 |
| Percentage on total opinion | 29·30 | 37·11 | 10·16 | 23·43 |

Thus it will be seen the only class favouring the view that drunkenness has increased is that of ministers of religion, whilst the police, the magistrates and the medical faculty differ. The report finds that between the views of the "more emotional ministers of religion" and "the more matter of fact magistrates, etc.," it is impossible to form a conclusion; but taking statistical evidence of convictions, a valuable index can be obtained as to the increase or otherwise of drunkenness amongst the coloured population, but not amongst the whites, who, by drinking at home, avoid the clutches of the police. Bearing this in mind, the report finds an

increase from 1884 to 1888 of 1,139 persons, exclusive of the Transkeian territories; but an analysis of the convictions in groups shows that 54·98 per cent were in Griqualand West, and 22·91 per cent in western districts, whilst in the portion included in the area suggested for prohibition by the majority report there is a decrease of 21·63 per cent, and in eastern districts, of 17·21 per cent. In conclusion, the repert finds that if there be an increase in drunkenness it is in the face of,—

I. Increased price of brandy.
II. Decrease of about 11 per cent in the number of licensed houses.
III. Fall in the output of colonial spirits.
IV. Continuous rise in the overland export of such spirits.

Finally, references are made to the small number of licenses, one to every 1,094 inhabitants, and consumption *per capita*, 1·34 gallons.

Opinion of existing laws:—The present laws are pronounce dgood, but the enforcement is inefficient. The public are apathetic, and police insufficient. Low class canteens could, should, and must be abolished. Adulteration pronounced dangerously common, and should be suppressed. Roadside hotels are mere receptacles of stolen skins, wool and feathers. Hawking brandy common, and ought to be suppressed. Sales to intoxicated persons are frequent. The law is systematically violated. The prohibitory laws in proclaimed areas are utterly futile; liquor is largely sold illicitly, until the law is powerless.

Temperance legislation:—The minority agree with many of the recommendations and deductions of the majority. Recommend an excise tax as a cure for adulteration.

They disagree with the majority's suggestion to establish a prohibition area. They fail to see the reasons which could justify such a drastic measure. It would be impracticable, without enormous expense; less called for in the area proposed than anywhere else in the colony; not justified by very superior sobriety of the whites; a retrogressive step after the Natives Relief Act, 1887, and a violation of that Act; mischievous in character, and calculated to stir up a widespread and irritating agitation with regard to the political privileges of the natives.

Kaffir beer:—Several Kaffir beers exist, one thoroughly fermented and highly intoxicating, another of low strength, and comparatively innocuous, and yet a third used largely for food, and resembling thin porridge or gruel. They suggest licensing the sale af Kaffir beer, and forcing natives to give notice previously of any intended dances. They recommend an extended use of light wines and beer; the closing of canteens on Saturday afternoons, and that only applicants for new licenses should have to present a petition from a majority of the inhabitants.

In connection with this report is given the following table of the percentage of crime and disease caused by the consumption of alcoholic liquor in the districts named:—

| Locality. | Crime. | Disease. |
|---|---|---|
| | Average of percentage estimated by magistrates. | Average percentage estimated by district surgeons. |
| In proposed area | 51·00 | 18·13 |
| In remainder of eastern districts | 32·89 | 18·13 |
| In western districts | 47·00 | 18·13 |
| In Griqualand West | 33·00 | 18·13 |
| In Transkeian Territories | 48·00 | 18·00 |

COMPARATIVE Statement of number of persons convicted of drunkenness in (1) the whole Colony, exclusive of the Transkeian Territories, (2) area proposed for prohibition by the majority, (3) the remainder of the Eastern Districts, (4) the Western Districts, (5) Griqualand West, of the percentage proportion to population, as well as of the increase or decrease in the number of persons convicted in the Colony and in the aforementioned groups of districts in the year 1888, compared with the year 1884.

| — | Population in 1875. | Population in 1888.* | Convictions in 1884. | Convictions in 1888. | Percentage increase or decrease of convictions 1884-1888. | Increase or decrease of convictions 1884-1888. | Percentage of convictions on population, 1888. | Proportion of convictions to population, if population of proposed area be taken as one. |
|---|---|---|---|---|---|---|---|---|
| Whole colony, exclusive of the Transkeian Territories | * 720,984 | 1,029,446 | § 7,957 | 9,096 | +14·31 | +1,139 | ·883 | 3·123 |
| Districts in area proposed to be put under prohibition to natives | † 317,554 | 425,504 | 1,539 | 1,206 | —21·63 | —333 | ·283 | 1·000 |
| Remainder of eastern districts | 124,512 | 166,846 | 1,535 | 1,279 | —17·21 | —266 | ·766 | 2·706 |
| Western districts | 278,918 | 377,650 | 2,938 | 3,612 | +22·94 | +674 | ·956 | 3·378 |
| Griqualand West | ‖ 45,277 | 59,000 | 1,935 | 2,999 | +54·98 | +1,064 | 5·08 | 17·950 |
| All districts not in proposed area | ‡ 403,430 | 603,952 | 6,418 | 7,890 | +22·93 | +1,472 | 1·306 | 4·685 |
| Whole colony, exclusive of Griqualand West, and Transkeian Territories | 720,984 | 970,456 | 6,022 | 6,097 | + 1·24 | +75 | ·628 | 2·219 |

* The population for the whole colony in 1888, exclusive of the Transkeian Territories, is taken from the Statistical Register, and shows and increase of 34 p. c., over the population of 1875, according to the census of that year; *i. e.* after deducting an estimated population of 59,000 for Griqualand West, which did not belong to the colony in 1875, and the population of which therefore is not included in the number given for that year. The estimated population in 1888 for the various groups of districts were arrived at by adding 34 p. c. to the 1875 population of each group.

† Slightly over the mark, owing to the inclusion of that part of the division of Tarka which, in 1875, belonged to Queen's Town.

‡ Slightly under the mark, owing to the impossibility of arriving at a correct estimate of population of that part of Tarka which at the time of the last census (1875) belonged to Queen's Town, and which therefore has not been deducted from the population of the proposed area, as it ought to be.

§ The number given by the majority is 8,017, which is not the correct total of the numbers given for the various districts.

‖ In 1877.

gambling, the penalty is £10 for first offence, and £20 for any second or subsequent offence. The following penalties also attach under this Act:—

For permitting premises to be used as ball-room, without permit, for first offence, £20; for second offence, £20 and forfeiture of license.

Licensee convicted of felony forfeits license, which may be transferred.

Licensee absent from premises without leave forfeits license.

Refusing to admit officers, fine not exceeding £50.

Refusing to receive traveller, fine not exceeding £5.

Selling adulterated liquor, fine for first offence, £50 to £100; for second offence, £200, or 6 month's imprisonment, with forfeiture of license and goods. Cost of analysis follows each case. Notice of conviction is posted on premises.

Objections to the granting of a license may be made, either personally or to a licensing magistrate, by,—

1. Three or more residents of the district.
2. Police in charge of district, or persons authorized by them.

On the following grounds:—

1. That applicant is of drunken, or dissolute habits, or of bad repute.
2. Cancellation of license within twelve months.
3. Conviction of selling without a license, or of selling adulterated liquor within same period.
4. Insufficient accommodation.
5. Not reasonably requisite in neighbourhood.
6. Vicinity of church, hospital, public school, or native town.
7. Danger to quiet and order of neighbourhood.

Selling without a license:—For first offence, fine of not less than £30 or more than £50; for second offence, fine of £100, and imprisonment, with or without hard labour, for not less than three or more than six months, at the discretion of the magistrate. The forfeiture of all liquor and vessels containing the same follows each conviction, and disqualification from holding a license for one year follows second conviction.

Liquor carried about for sale, or exposed publicly for sale, together with all vessels, vehicles, horses or animals drawing the same, are subject to seizure; penalty not exceeding £50; in default, imprisonment for not more than three months with or without hard labour, at the discretion of the magistrate.

Prohibitory Act:—"The Liquor Prohibition Ordinance of 1892" regulates the "supply of spirituous liquors to natives and others." The term native is defined as including, not merely aboriginal natives of Fiji, but aborginal natives of any part of Africa, India or Malaysia, or of any territory or island adjacent to either, and aborignal natives of any island in the Pacific, or any person wholly descended from such. A half-caste is one either of whose parents has been of any of the races comprised in the term native.

Natives and half-castes are prohibited from having liquor in their possession, under a penalty not exceeding £10, or imprisonment with or without hard labour for not more than three months.

Any person licensed or otherwise giving, selling, or procuring liquor to or for a native or half-caste, shall be fined not exceeding £50, or in default, imprisonment up to three months for a first offence, and a fine not exceeding £100, or, in default, imprisonment up to six months for subsequent offences. If a licensee, the second conviction includes forfeiture of license. If unlicensed, the offender to incur the penalties for illicit trading in addition to the above.

Exceptions:—

1. Ministers giving wine in conformity with religious rites.
2. Medical men prescribing or giving liquor to patients as medicine.
3. Persons employed by medical men, and acting under their instructions.
4. Persons supplying a native personally exhibiting an exemption granted him by the Governor.
5. Domestic servants bearing employer's written dated orders for liquor for employer's use.

The *onus probandi* to lie on the defendant in every case.

Imprisonment for three months follows any evasion of this ordinance, such as lending a name or countenance for the purpose of procuring liquor for a native or half-caste.

Licensees are prohibited from supplying intoxicated persons; penalty for first offence, £2 to £5; for second offence, £10 to £20, with forfeiture of license; for taking a pledge for payments incurred, penalty up to £10.

A magistrate, upon application of a relative, may prohibit any person of confirmed intemperate habits from obtaining liquor. Three convictions in two years render such prohibition necessary. Penalty, any person not a publican, supplying a prohibited person with liquor, fine, not exceeding £10; in default, imprisonment up to one month; any publican supplying such person, fine, not exceeding £50, or, in default, imprisonment up to six months; any prohibited person found intoxicated, fine, not exceeding £2, or imprisonment up to 14 days.

Liquor found in the possession of natives shall be seized. Charges can be laid within three months, and a sum not exceeding one-quarter of any money penalty may be granted by the magistrate to a certified informer.

The Governor may grant an exemption, good during will, to any native or half-caste, allowing them to have liquor in their possession, or to drink it. Such exemption certificate found in the possession of other than the rightful owner shall be seized, and not returned to the owner, except on order by a magistrate.

Storekeepers and others are to keep liquor in such manner that no native or half-caste can obtain access thereto; penalty, not exceeding £5 for a first offence, and not exceeding £10 for a subsequent offence. The *onus probandi* in all cases to lie with the accused. No statistics have been obtained in regard to Fiji.

## NATAL.

This colony was formerly part of Cape Colony, but separated from it in 1856. The capital of Natal is Pietermaritzburg; population, 17,500. The population of the whole colony is 543,913.

The colony is under license. Ordinance No. 9, 1847, for "Regulating the Sale of Wines and Spirituous and Fermented Liquors within the District of Natal," was in force until 1878, when it was amended by Act No. 23, 1878. This Act makes it necessary for anyone desiring a license to make application to the resident magistrate of the district, the application to be in writing, and to set forth the nature of the business to be carried on, whether inn, hotel or boarding house, a description of the premises, etc. He shall give notice of his intention to apply by advertising twice in the nearest local newspaper, and affixing a notice on a conspicuous place on his premises. The magistrate, on receiving notice, shall affix a copy in some conspicuous place inside and outside applicant's premises, on the church door, if there be one within seven miles, and on the gate of the public prison, together with 14 days' notice of the date of the meeting of the licensing board to consider the application. The licensing board is composed of the resident magistrate and two landed proprietors resident in the division, who are appointed by the Governor. They shall consider and determine on all applications, hearing objections of any person, whether grounded on character, unfitness, or misconduct of the applicant, insufficient or inconvenient premises, or sufficiency of already existing accommodation. Such board shall sit quarterly. The applicants must be either inn-keepers, hotel-keepers, keepers of accommodation houses, or storekeepers, who have, in connection with the store, houses of public entertainment and sufficient accommodation for man and horse for the exigencies of the district. A licensee must give security for good behavior.

In connection with the above, Act No. 23, 1878, "To prohibit the Sale and Disposal of Spirits and other Intoxicating Liquors to Persons of the Native Race," was enacted. From an early period in the history of the colony liquor has been prohibited to natives. In 1856 Ordinance No. 4 was passed to this effect. It was, however, not sufficiently stringent, and was repealed by Law No. 18, of 1863, which provided for imprisonment, with or without hard labour, in default of the payment of

The following shows the number of separate persons convicted of drunkenness and the total convictions for twelve years:—

| | Separate persons. | Convictions. |
|---|---|---|
| 1877 | 3,799 | 4,545 |
| 1878 | 3,097 | 3,527 |
| 1879 | 3,151 | 3,818 |
| 1880 | 3,391 | 3,989 |
| 1881 | 3,860 | 4,417 |
| 1882 | 5,510 | 6,390 |
| 1883 | 7,000 | 8,349 |
| 1884 | 8,017 | 9,968 |
| 1885 | 7,443 | 9,111 |
| 1886 | 6,920 | 8,398 |
| 1887 | 7,594 | 9,154 |
| 1888 | 9,096 | 10,890 |

In consequence of the recommendation of the Commission an Act was passed in 1891 entitled: "An Act to amend the law regulating the Sale of Intoxicating Liquors." It provides that no liquor shall be sold by any holder of a bottle license upon Sunday, Christmas day or Good Friday, nor for consumption on the premises, nor after 8 p.m. The hours of sale under a retail license may be fixed by the district licensing court at any hours between 7 a.m. and 9 p.m. on week days. In all cases of application for new licenses the inspector of license for the district must report on the following points:—

1. A description of the house, premises and furniture.

2. Whether the applicant is a fit and proper person to have the license applied for, and is known to be of good character and repute.

3. Whether the bestowal of the license sought for is or is not, in the opinion of the inspector, required for public convenience.

4. Whether the applicant appears to be or not to be the true owner of the business or the premises supposed to be licensed.

5. In case of application for the renewal of a license, a statement as to the manner in which the house has been conducted; if any convictions have been recorded against the license, the particulars of the convictions; and a statement as to the character of the persons frequenting the house.

In case the inspector is unable to supply any of the foregoing particulars, he shall specially state so in his report, together with the reasons of his inability.

The Act provides for the inspectors securing samples of liquor for the purposes of analysis, and for the infliction of very heavy penalties on any inspector accepting a bribe, and on any person giving or offering such bribe.

No application for a new license can be granted without the presentation to the licensing court of a memorial or memorials, signed by a majority of the registered voters of the section in which the premises in respect of which the license is sought are situated.

No renewal of any license can be granted in case there shall have been lodged with the court a memorial or memorials, signed by two-thirds of such registered voters, objecting to the said renewal, and in case it shall be proved that written notice has been given to the holder of the existing license, and to the owner of such premises, of the intention to lodge such petition. The absence of such memorial shall not render it imperative on the court to grant a renewal. The Act contains provisions prohibiting the payment of wages to workmen on licensed premises; regulating the sale of liquor at railway stations; providing for the furnishing of liquor with substantial lunch or dinner (if paid for) to guests of retail licensees on Sunday. The Governor may proclaim areas in the neighbourhood of mines, manufactories or other centres of labour, within which all bottle stores and canteens shall be closed at noon on Saturday, or such other week day as the Governor may determine.

## FIJI.

The population of the Fiji Islands was, in 1892, said to be 125,442.

These islands are under a system of license, the Act being known as "The Publican's Ordinance, 1884."

Licenses are granted in the month of November by the stipendiary magistrate, one month's notice of intended application for either new license or renewal of license having been given in the *Gazette*, except packet (steamer) licenses, which require no notice. The stipendiary magistrate, on approving an application, grants the applicant a certificate, and forwards a list of certificates, with full particulars of the premises affected in each case, to the Receiver General. The applicant presents the magistrate's certificate to the Receiver General, who may, if he thinks fit, mark thereon his approval, whereupon the collector of customs shall issue the license accordingly. In 1892 the receipts from general licenses and inland revenue were £6,600.

At the hearing of any application either for license, renewal or transfer, a plan of the premises has to be produced, the applicant, unless prevented by illness, being present, and the magistrate may call and examine on oath such witnesses as he may deem necessary. A license to sell in a booth at races, &c., for a period of not more than seven days, may be granted by a stipendiary magistrate to a holder of a publican's license, without notice, and shall be subject to such conditions as the magistrate shall see fit to impose. License fees must be paid within 28 days of the date of certificate. In case of default on payment of the license fee, and an additional sum not exceeding £10, the Governor may, if he see fit, upon a statement of the case, cause the license to issue.

Transfer of license is allowed on payment of a fee of £2. Removal of license is permitted in the same district. Conditional and temporary licenses are granted in cases of new premises, or alterations to premises, or in case of destruction of premises by fire. In case of the death or bankruptcy of a licensee, his executors, administrators or assigns may carry on business, or the widow or any member of his family of the age of 21 years, for a period not exceeding 3 months. If a female licensee marry, her husband shall possess the same privileges, and receive the same duties, obligations and liabilities, under the license as she did, unless, within 14 days after the date of marriage, he shall, by writing under his hand, addressed to the magistrate, disclaim all interest in the license. On application to a stipendiary magistrate, a licensee may sell an absconding lodger's goods to the extent of his claim.

Premises for which a publican's license is asked require beyond the necessary sufficient accommodation for the family, two sittingrooms and four bedrooms, constanly ready for use, besides a separate house for not less than 10 natives. No publican can be compelled to entertain a native, not a servant or attendant on a guest of the house. Notice of application for license has to be posted on the premises. The licensee's name and qualification must be painted in letters, at least two inches long, on the front of his premises, and a lamp must be kept lit and burning from sunset to sunrise. Penalty, £2 for first offence, and not less than £2 or more than £10 for any subsequent offence.

The hours of sale are from 5 a.m. to 12 at night on week days; from 7 a.m. to 9 a.m., 1 p.m. to 3 p.m., and 8 p.m. to 10 p.m. on Sunday, Good Friday and Christmas Day, and on the last-mentioned days only for the sale of liquor not to be consumed on the premises; penalty for infringement of hours, £20. A *bona-fide* lodger may be supplied, not at the bar, or a *bonafi-de* traveller (qualification not defined) may be supplied at the bar or elsewhere on the premises. Penalty for drinking on licensed premises, or leaving them with liquor in possession during prohibited hours, 40s. The penalty for allowing an unlicensed person to sell in any premises, vehicle, vessel or boat, is £20. For permitting common prostitutes, thieves, drunken or disorderly persons on licensed premises, the penalty is not exceeding £10. For permitting licensed premises to be used as a brothel, penalty not less than £20 or more than £50, and forfeiture of license for twelve months. For permitting

Toddy and bhang farm leases fix the prices of toddy at 6 and 7½ cents per quart bottle, and bhang 4 cents per package. Fine for infringement of rights, $50, and for breach of lease by the farmer, $25. In Sungei Ujong, the excise law governs the licenses, their being no restriction on the sale of intoxicants to natives, "but," says the agent, "with very rare exceptions, both religion and inclination preclude the desire for stimulants of that nature."

### BRITISH GUIANA.

This colony has a total population (1892) of 278,295, that of Georgetown, the capital, being 53,176. There are 205,090 coolies and Africans included in the population. The Europeans number 2,533.

The colony has been under license since 1855, when the first ordinance restricting the sale of rum was passed. It has been found necessary to extend the regulations for the sale of intoxicating drinks from time to time, and ordinances to accomplish this end were passed in 1868, 1869, 1877, 1880 and 1885. These laws simply regulated the license fees and sale. The licensing laws contain no special provisions for the prohibition of the furnishing of liquors to the aborigines. It was, however, found necessary to protect the Indians in their dealings with the class of traders with whom they came in contact in the forests of the interior, and certain protective regulations were included in the Crown Lands Ordinance, 12th September, 1881, which were maintained in section 43 of the Crown Lands Ordinance, No. 18, of 1887.

## THE MEDITERRANEAN POSSESSIONS.

### GIBRALTAR.

The population of Gibraltar was, in 1892, 26,050. The exports and excise are unimportant. The revenue, of which excise is a great factor, was £56,735.

The functions of government and legislation are all vested in the Governor, who is also commander-in-chief.

Under proclamations in 1885, and an ordinance of 1886 (1st), the introduction and sale of spurious liquors are prohibited; (2nd), duties are charged on the importation of all liquors, and licenses for sale are issued at fixed fees; (3rd), licensees have to conform to rules of conduct and regulation.

### MALTA.

The capital of Malta is Valetta, and the total population of the possession, in 1892, was 166,889, including 1,702 English. There were committed in jail in 1892, 7,648 persons.

The liquor traffic is restricted by the police laws. These provide for the limitation of the number of licenses; for closing, from 9 p. m. to 4 a. m., without permission otherwise, and during hours of divine service; against the keeping of weapons where they may be reached; and for licensees being vigilant in the preservation of law, order and morality.

The Governor's regulations provide that a licensee must be of good character, have his neighbor's permission to keep a public-house, and it must be 50 paces distant from a church. Licenses, or renewal of licenses, can be refused for contravention of the police law, or by the court of judicial police. A licensee is responsible for his servants; may not allow blasphemous language or scandalous or indecent words or gestures; may allow no woman but his wife to sell in the shop; may not allow drunkenness nor persons known to carry weapons, or who by words or gestures incite to quarrelling; may not supply children under 16, nor permit music or noise. Shop licenses shall not be granted in certain districts. Licenses may be granted or renewed at discretion.

### CYPRUS.

The only restrictions in this dependency are the prohibition of sales to soldiers, and of illicit selling to Her Majesty's sailors.

## NEWFOUNDLAND.

The total population of Newfoundland, including Labrador, was, in 1891,202,040, that of St Johns, the capital, being 29,007.

The liquor traffic in this colony is regulated by license. The Consolidated Statutes of 1874 contain this clause, which was incorporated in the statutes of 1872:—

"I. No intoxicating liquors shall be sold, unless in the original packages in which the same are imported, or by license, under a penalty of not less than ten dollars, nor more than fifty dollars for every offence."

In 1871, an Act known as "The Temperance Act, 1871," was passed. The preamble set forward that the object of the Act was to amend existing laws respecting the sale of intoxicating liquors, and licenses, therefor, and to otherwise provide for the repression and prevention of abuses arising from such sale.

It provided that, if two-thirds of the duly qualified electors should vote at a poll, to be taken according to the Act, in favour of the prohibition of the sale of intoxicating liquors, and the issue of licenses therefor, the Governor might, by proclamation, prohibit the sale, and put in force this Act in such electoral district.

Upon the delivery to the Governor, by a stipendiary magistrate, of a requisition, bearing the signature of one-fifth of the electors of any electoral district, demanding a poll under this Act, the Governor shall appoint a day in October, November, December, January or February for holding such poll.

No new licenses can be issued between the date of the poll and the issuing of the proclamation.

Vote is taken by open polling. No new poll can be taken for three years.

After the issuing of the proclamation no liquor can be sold, or license issued for three years. Medical, mechanical and sacramental liquor, or liquor for those uses, is excepted.

Any sales in proclaimed districts shall be punishable as for selling liquor without a license.

Writing of this Act in 1881, Sir F. B. T. Carter, administrator of the colony, said: "I find that it was put in operation in two districts only, Brigus and Burin, for a period some time elapsed, and since then it has been practically a dead letter. In the districts referred to, the general opinion was that the Act occasioned more mischief from clandestine sale than had exhisted under the general licensing Act."

The then existing Acts regulating the traffic were consolidated in 1875 in "The Licensing Act, 1875."

For selling without a license, the penalty is $10 to $100.

Stipendiary magistrates may grant licenses to persons approved of by them. All applicants, before applying, must enter into a bond with two approved sureties for $200 to observe the law.

Wholesale license authorizes sale on specified premises, in quantities of not less than 2 gallons, to be consumed off the premises; fee, $100.

Wholesale license for malt liquors only, terms as above; fee, $50.

Retail license authorizes the sale in any quantity on premises named; fee, $10 to $70, to be fixed by the magistrate, in accordance with the annual value of the premises. In case of death or insolvency of a licensee, the magistrate may make an order to suit the circumstances.

A register of all licenses issued, parties and premises licensed, bonds taken, and fees, fines and penalties paid, shall be kept by the clerk of the peace, who shall, under penalty of $100, pay the same to the Receiver-General.

Habitual drunkards may be prohibited. For selling to such prohibited drunkard, the penalty is not exceeding $100 or 30 days' imprisonment.

Prohibited hours. All day Sunday, Good Friday and Christmas Day, week days from 10 p.m. to 6 a.m. between 1st April and 31st December, from 9 p.m. to 7 a.m between 1st. January and 31st March.

Special licenses for a period not exceeding 6 days may be granted retail licenses, upon such terms of fee and hours of closing as the magistrate may specify. The tent, room, booth or place specified shall for the time be a licensed place under this Act,

a fine, and for the informer receiving part of the penalty. Drunkenness increased, however, and yet more stringent measures were found necessary, and so Law No. 22, of 1878, was passed and enacted. It entirely prohibits in any way supplying natives with liquor, the penalty being from £10 to £20, with or without imprisonment, and with or without hard labour. Liquor administered medicinally is exempted. Fines go to the Crown; the informer may receive a portion up to one-half. In case a field cornet informs he shall receive one-half the fine, on conviction. In case the delinquent be a licensed dealer, his license may be suspended for three months for a first offence; for a second offence it must be suspended for a term of three months, and for a third offence it shall be cancelled. Natives may be supplied, if they be servants having a written dated order from their master, the licensee to give a pass with the liquor. Any native found in possession of liquor shall be fined up to 20s, or imprisonment for a term not exceeding one month.

On 6th May, 1889, Lord Knutsford, as Secretary of State for the Colonies, speaking in the House of Lords, said:—"With regard to Natal, although the law appeared to be sufficiently stringent, he admitted that, owing to lack of police supervision, there had not been sufficient enforcement of that law. The finances of the colony had not hitherto been in such a condition that any great additional expenditure could be lightly incurred, but proposals had just been received for appointing supervisors over natives, who would, amongst other duties, advise the chiefs against the excesses which prevailed at their ceremonies. He had been able to sanction the appointment of those supervisors, and would when giving his sanction, strongly urge upon the colonial government to see that the law prohibiting the sale of liquor to the natives was enforced. The view taken by the Cape government with regard to high tariffs was that, so far as the natives were concerned, the traffic could only be checked by internal duties, and that a high tariff would stimulate smuggling and illicit distillation, while the view taken by Natal was that it would be of little use for them to pass any measures until the Cape and Portuguese governments had acted in the matter." (*Times'* report, 7th May, 1889).

The attention of the Legislative Council was called to this, and a committee of the Executive Council enquired into the matter in 1889, and found that the Indian immigrant labourer from Madras drank largely, but that it would be unwise to prohibit them. Regarding the increase in drunkenness, 14 out of 21 magistrates did not believe in its existence, nor, except in Durban, had such increase taken place, neither were the police to blame. *Tjowala*, a Kaffir beer, it was shown, was largely used, but was harmless and wholesome. *Isitsthimiyana*, an intoxicant made from treacle, was also largely used, but had been forbidden since 1870, a penalty of £2 attaching to its manufacture. The sale of Kaffir beer, it was stated, required an annual license of £4; half yearly, £2 10s. The committee recommended that the Act of 1878 be amended, making the fines fixed, not optional, £10 for a first offence, £25 for a second offence, and, if a dealer, cancellation of license. They also advised that no canteens be allowed in native localities, and that greater vigilance in the discovery and punishment of persons selling to natives be exercised by the magistrates. They draw attention to the absence of restrictions on the sale of intoxicating drinks to natives in the Cape and Transvaal, where many Natal natives acquired drinking habits.

The supervisor's report that natives obtain liquor from Indian coolies, one woman having paid £100 in £10 fines for selling. They recommend that Indians be allowed to buy only by the glass at the counter; that supervisors be granted police and that they also be empowered to prohibit the manufacture of *isitsthimiyana* and to enforce such prohibition.

## HONG-KONG.

The capital of this colony is Victoria, and the population in 1892 was reported as being 231,662, comprising 10,590 whites and coloured, and 231,072 Chinese.

The following figures were given in regard to crime:—

| | |
|---|---|
| Convictions by superior courts, 1892. | 18 |
| Convictions by magistrates | 13,098 |
| In jail, December, 1892, including 18 Europeans | 468 |

In Hong Kong the law as to the sale of intoxicating liquors to persons other than Chinese is assimilated to the law of the United Kingdom.

The Chinese use a native spirit as a beverage with their food, but in so moderate and temperate a manner that a license fee is imposed on its sale for purely fiscal reasons, and no other.

## CEYLON.

The capital of Ceylon is Colombo, which had a population of 126,926 in 1891. The total population of the whole colony, including 6,068 English, was 3,008,466. In 1892 there were 19,705 summary convictions, and 395 convictions in the Supreme Court.

The liquor traffic is under license regulations, and there is no special restriction against the sale of intoxicating liquors to natives, as distinguished from others. The revenue from licenses for sale of spirituous liquors is about 2,200,000 rupees per annum.

## LABUAN.

The total population of this colony is 5,853, of whom 30 are Europeans. The population of the capital, Victoria, is 1,500. The revenue of 1892 was £6,311, derived from licenses and customs duties on spirits, wines and tobacco.

There have been several license laws in this colony. That of 1871 empowered the Governor to appoint the superintendent of farms, or others to collect duties, and retail, and to suspend clauses which authorized the sale by wholesale for consumption in the island. In all these laws there is no clause or reference dealing with the restriction of sales to natives; but in a country where the bulk of the inhabitants are Mahommedans, such legislation would not, apparently, be necessary.

## THE STRAITS SETTLEMENTS.

The population of the Straits Settlements is 512,342, divided as follows:—

| | |
|---|---|
| Singapore | 184,554 |
| Penang | 235,618 |
| Malacca | 92,170 |

The figures given in regard to crime in 1892 are as under:—

| | |
|---|---|
| Supreme court convictions | 239 |
| Other courts | 30,863 |
| Admitted to jail | 4,510 |

There is no restrictions placed on the sale of intoxicating liquors to natives, and drunkenness is a very rare vice amongst them.

The system of license is regulated by the Excise Amendment Ordinance, No. IV, of 1879.

Licensed houses are divided into three clases, all opening at 6 a. m., and closing at midnight, 11 p. m. and 10 p. m., acording to class.

Drunkenness, disorder, gambling and the harbouring of prostitutes are prohibited.

Adulterated and unwholesome liquors are prohibited.

Police are to have free access to all houses for public purposes.

Licensed farm shops may open at 5. a. m. and close at 10 p. m. In other respects the regulations are as above. (Ordinance No. IV, 1870.)

Police may inspect books and stock at any time.

The right to collect duties on spirits in the various provinces, and the sole right to manufacture and sell, are farmed, the lessees being called farmers.

The British agent in Perak reports that the Larut spirit farm is leased to Yap Hap Keat for three years, at a monthly rental of $4,600. He may collect 50c. duty on every gallon of spirits imported, grant licenses and collect fees, and receive fines, being bound to the extent of $9,200 to enforce the law. The fine for infringing the lessee's rights is not exceeding $400. Other licenses are similar. The farmer is bound to have pure spirits, under a penalty of $100.

On the working of the liquor laws in New South Wales, the inspector-general of police, in a communication dated, Sydney, 27th May, 1893, written for the information of His Excellency the Lieutenant-Governor, said:—

"Some amendment in the law is no doubt desirable, chiefly as regards Sunday trading, as the Act is still violated, and the difficulties in the way of prosecution to conviction are increased by the experience licensed publicans have obtained in the best methods of evading detection and conviction. There are still far too many hotels licensed, leading to competition, with the usual inducements to the working classes to spend their wages in drink. I regret to add that the statistics and general information obtained from year to year are not encouraging as evidence of any marked decrease in intemperance."

The superintendent of police for the metropolitan district, Sydney, in a letter written on the 26th May, 1893, addressed to the inspector-general of police, enclosing a report from the licensing inspector for the metropolitan police district relative to the operations of the Sale of Liquors Licensing Acts of 1882 and 1883, stated with reference to the local option law of the colony:—

"The local option law to which he (the license inspector) especially refers is much too limited in its operation to afford a satisfactory test of the value of the principle; but, considering that it has been the means of replacing a number of very inferior houses by buildings of a superior class, which are not much frequented by persons addicted to intemperance, its operation has certainly been beneficial, and I am decidedly in favour of such an extension of the principle as would approximate to full local option." He adds: "The slight decrease in the number of persons arrested for drunkenness in 1892, relative to population, is, I think, as much the result of the absence of about one-half the metropolitan force at Broken Hill for several months as of the want of means to purchase liquor by the people. The difficulties experienced in enforcing the Sunday closing provisions of the Act have in no degree diminished."

The district licensing inspector of the metropolitan district, writing on the 25th May, 1893, stated that no alteration in the licensing liquor law of the colony had taken place since 1883. He attached a copy of a report which he had previously made on the last local option vote taken in the metropolitan suburban municipalities in February, 1891, and also a report of the vote taken in the city of Sydney in the following December. He remarks: "The same apathy was shown as in former years; where no contested election took place scarcely any votes were recorded." The number of hotels in this district were reported by the same gentleman to have been:—

| | | | | |
|---|---|---|---|---|
| December | 1889, | 855, being one hotel to | 411 | mean population. |
| " | 1890, | 852, " | 435 | " |
| " | 1891, | 846, " | 461 | " |
| " | 1892, | 833, " | 487 | " |

And he remarked that although the population had increased, the number of hotels had been reduced by 22, caused pricipally by old worn-out houses having been closed through the objections made by the police to granting them renewals of licenses." He appended to his report the following statement of arrests for drunkenness in the metropolitan district:—

| Year. | No. of arrests. | Mean population. | Proportion of arrests to per 100 of mean population. |
|---|---|---|---|
| 1889 | 9,924 | 351,475 | 2·8 |
| 1890 | 9,894 | 370,355 | 2·7 |
| 1891 | 11,442 | 389,655 | 2·9 |
| 1892 | 10,740 | 405,490 | 2·6 |

The inspector remarked: "The proportion for 1892 is lower than the previous years, caused by great depression and distress among the working classes through want of employment."

The same officer reports: "As a factor in the repression of drunkenness, I do not think the local option vote in this district has had any appreciable effect. It

has certainly prevented the licensing of new hotels, except where buildings have been erected containing over thirty rooms, in order to overcome the operations of the vote. Such houses, when licensed, have proved in the majority of cases perfect failures as residential hotels, the sale of liquor being the only trade done."

It may be mentioned as a matter of interest that a return made of the result of local option voting in the city of Sydney in December, 1891, shows that in eight wards, containing 23,361 citizens entitled to vote, the total number of votes cast was 8,203 in all the wards.

On the question, "Shall any new publicans' licenses be granted in respect of premises situated within the above (ward or municipality) for the period of three years from this date?" the votes were divided as follows:—

| | |
|---|---|
| Yes | 1,566 |
| No | 2,606 |

The granting of new licenses was negatived in every ward.

On the second question, "Shall any renewals of publican's licenses be granted in respect of premises situate within the above (ward or municipality) for the period of three years from this date?" the vote was in five wards, "No," and in three wards, "Yes." The total numbers voting were:—

| | |
|---|---|
| Against removals | 2,154 |
| In favor of removals | 1,877 |

It appears that in the metropolitan licensing district votes were also taken in 1888 and 1891. The same gentleman, the inspector of licenses for the metropolitan licensing district, in a letter dated the 27th April, 1891, reported that in 1891, when the vote was taken, there were 56,766 voters on the list. It appears that the votes were taken in two divisions, in accordance with the local option law. In the first division A., the vote was on the question whether any new licenses should be granted or not. It appears that in division A, 12,101 votes were cast, and in division B, 11,626. These figures amount to about 21 per cent of the total voters on the list. This was said to be about 1 per cent more than the number which voted on the previous occasion, when the total on the list was 50,356. The result of the voting in 1891 was that out of 99 elections the local option vote was carried in 89 in the negative, and 10 in the affirmative in both divisions.

The following figures were given as the result of the licensing business in the suburbs from the date the local option vote was taken in 1888:—

New publicans' licenses:—

| | |
|---|---|
| Granted | 1 |
| Refused | 3 |
| Withdrawn, etc | 1 |

Conditional licenses:—

| | |
|---|---|
| Granted | 17 |
| Refused | 47 |
| Withdrawn, etc | 45 |

It was stated that in the suburban municipalities there were:

| | |
|---|---|
| In 1885 | 298 hotels. |
| 1888 | 330 " |
| 1891 | 351 " |

The inspector of licenses concludes his report with the following observations:

"I have again to remark that where no contested election took place very little interest, according to the result of numbers, seems to have been exhibited, and the majority of those entitled to vote appear to have been apathetic about the matter In Bellvue ward, Woolahra, only one vote was recorded. The operation of the vote has been quite secondary to the firm stand taken by the licensing bench in refusing licenses to places that were not clearly shown to be of public convenience and qureired utility."

The possession of tumblers, decanters, bottles, etc., usually used in the trade, shall be *prima facie* proof of illicit sale, provided they have been recently used.

Licenses may be declared forfeited, in lieu of other penalty by the magistrate, or in addition to such penalty.

The Act contains stringent provisions against selling during prohibited hours, to children insane persons or habitual drunkards, against harbouring improper characters, constables, and other provisions for the maintenance of good order.

## NEW SOUTH WALES.

The population of this colony was stated in 1892 as being 1,132,234. The summary convictions were put down as being 56,360, and the prisoners in jail on the 31st December, 1892, as 2,622. The population of the capital (Sydney) is 411,710.

The summary convictions would amount to 49·76 per thousand of the population, and the prisoners in jail were equal to 2·31 per thousand of the population.

The traffic in this colony was early brought under regulation by a license act.

An Act was passed in 1862 fixing the hours for sale (except for lodgers and *bona fide* travellers) at from 4 a.m. till midnight on week days, from 6 to 9 a.m. on Good Friday and Christmas Day, and from 1 to 3 p.m. on Sunday, the special day sales being only for consumption "off the premises." This Act was amended by an Act limiting the granting of new licenses in Sydney for a time only.

The Act of 1862 was amended in 1881 and again in 1883, when public houses were closed entirely on Sundays, a third conviction rendering the license liable to forfeiture.

In a memorandum dated June, 1890, the Inspector-General of Police states that the law in this respect has been so systematically broken as to have become almost inoperative. The licensee knows his customers, and, short of employing informers, who would themselves be guilty of a breach of the law, it is almost impossible to secure a conviction for Sunday selling. The result is demoralizing: 1st, it leads men, who would be contented with a moderate supply during restricted hours, to spend the day in drinking and expending all their wages; 2nd, it leads to home drinking; 3rd, it produces unblushing perjury.

The local option clauses have not been found beneficial or efficacious in operation. In Sydney the citizens have been apathetic. Though the number of licensed houses has decreased in relation to the population, it is still too great.

The effect of the law upon intemperance has not been very marked. Excessive drinking is not so prevalent in bad times. Police arrests are not a safe criterion, but they show that the percentage of arrests for drunkenness in 1881 (2·96) had been reduced to 1·98 in 1888.

In any way "supplying" natives is absolutely prohibited under a penalty of £10, in addition to any penalty for selling without a license. The administration of liquor as medicine is exempted.

A report laid before the British House of Commons (June, 1894) shows the law to be unaltered, but to require amending chiefly as regards Sunday trading. It also states that there are too many hotels licensed. The evidence as to any marked decrease in intemperance is discouraging. The local option law is too limited in its operation to afford a satisfactory test of the value of the principle. As a factor in the repression of drunkenness the local option vote in the metropolitan district of Sydney has not had any appreciable effect, though it prevented the licensing of new hotels. New licenses were negatived in every ward in the city and the granting of removals in five out of eight wards. In the suburban districts new publicans' licenses were granted in 1 case, refused in 3 and withdrawn in 1. Conditional licenses were granted in 17, refused in 47 and withdrawn in 45 cases.

An Act passed on 19th December, 1881, amends and embodies all previous Acts. It is divided into four parts:—

Part I provides for the establishment and constitution of licensing districts and Courts, and the procedure thereat; for the mode of applying for licenses, transfers and renewals; it also deals with the licensees and the appointment and duties of

Inspectors. The duties of an inspector include the inspection of premises, the examining and taking an account of all liquors. He may also demand, select and obtain samples of liquor which may be in or upon the premises, and, on paying or tendering payment for such samples, may remove the same for the purpose of analysis or otherwise. The penalty for obstructing an inspector is £50. The cost of analysis is to be reckoned as part of the costs of proceedings in cases of conviction. The penalities for an inspector taking a bribe, and anyone offering a bribe to such an officer, are exceedingly severe. Licensed premises may be entered day or night by any police officer of, or above, the rank of sergeant, any senior constable authorized by a licensing court, any inspector under the Act, or any constable duly authorized by a magistrate or superintendent of police.

Part II defines the nature of the various licenses, and contains the provisions therefor. The latter, in dealing with the matter of accommodation, contains a proviso that each room intended for the use of a guest shall contain not less than "twelve hundred cubic feet air space, and not be less than nine feet in height." Section 34 provides that, "after the commencement of this Act, the *granting of a new publican's license, or of a certificate of removal of a publican's license*, shall, within the area of every ward in the city of Sydney, or of any municipality subdivided into wards, as well as within the area of every municipality not so subdivided, be contingent upon the vote of the ratepayers of such areas, respectively, to be ascertained in manner hereinafter provided." The vote is to be taken every three years simultaneously with the voting for aldermen, the question reading: "Shall any new publican's licenses or removal of publican's licenses be granted in respect of premises situate within the above (*ward or municipality*) for the period of three years from this date?"

The schedule of fees for licenses is as follows:—

| | |
|---|---|
| (1). For publican's license | £30 |
| (2). For packet licenses— | |
| (*a.*) Class I.—Passenger vessels above 1,000 tons register | 15 |
| (*b.*) Class II.—Passenger vessels less than 1,000, over 250 tons | 10 |
| (*c.*) Class III.—Passenger vessels under 250 tons | 3 |
| (3). For a colonial wine license | 3 |
| (4). For a booth or stand license | 2 |

Furnishing liquor to any native is strictly prohibited.

Hours for lawful sale under this Act are from 6 a.m. to 11 p.m. on week days, from 7 to 9 am., 1 to 3 p.m., and 8 to 10 p.m. on Good Friday and Christamas Day, and on these two days for consumption off the premises only. *Bona fide* travellers and lodgers may be supplied.

Part III provides for the issue and regulation of brewers' and spirit merchants' licenses. The fee is £30 annually in Sydney, and £20 elsewhere.

Part IV provides for the cancellation of licenses, and for legal procedure, etc. Two convictions within three years under this Act incur cancellation of licenses. Three convictions within three years serve to disqualify the premises. There are various provisions for the maintenance of order and preservation of morals.

This Act was amended by the Licensing Act of 1883, but the amendments are mostly of a minor character. It provides for the reduction of the fee on a publican's license where public convenience demands such accommodation.

Section 12 divides the question to be voted upon triennially under the local option clause into two: 1st, as to the granting or not granting of new licenses; 2nd, as to the granting or not granting of removals.

It provides for the cancellation of a license on the holder's being convicted of a felony

For defacing an indorsement of a license the penalty is not exceeding £5.

In case of riot, two justices can order the closing of licensed premises. For not obeying such order, penalty not exceeding £50.

In case of disturbance or rebellion, districts may be proclaimed, when all licensees must close their premises. The penalty for supplying liquor in such proclaimed districts is £20 to £100. No liquor can be brought into such a district without a permit, without being liable to seizure.

For insulting a member of a license committee, or interrupting their proceedings, the penalty is not exceeding £10; in default, 14 days' imprisonment.

For committing perjury before a license committee, the penalty is the same as ordinary perjury.

Clubs, not less than 20 members, must possess a charter and pay a fee of £5 annually. Clubs of not less than 10 members may obtain a provisional charter; fee £5. This charter is withdrawn unless the club secures the full number of members.

This Act was amended in 1882, when the licensing committee were given three years' life, being elected every three years instead of annually.

Power was also given the licensing districts, under local option clauses, to restrict the number of licenses to be issued.

The Earl of Onslow, Governor, in a despatch in 1890, states: "It is admitted on all sides that the 'local option' clauses of the Act have not had the effect anticipated, and it is in contemplation to introduce a Bill during the ensuing session of Parliament, to enable a direct issue to be placed before the people, and to be decided by them."

The despatch further stated that licenses could be obtained with comparative ease, and illicit sales were confined to remote settlements. The natives were described as being apathetic in the matter of the license law.

The following table shows the consumption of alcoholic liquors per head:—

| Year. | Beer. | | Spirits. | | Wine. | |
|---|---|---|---|---|---|---|
| | Excluding Maoris. | Including Maoris. | Excluding Maoris. | Including Maoris. | Excluding Maoris. | Including Maoris. |
| | Galls. | Galls. | Galls. | Galls. | Galls. | Galls. |
| 1881 | 10·215 | 9·377 | 1·159 | 1·064 | 0·335 | 0·308 |
| 1882 | 10·523 | 9·684 | 1·153 | 1·061 | 0·351 | 0·323 |
| 1883 | 9·435 | 8·709 | 1·088 | 1·005 | 0·315 | 0·291 |
| 1884 | 8·769 | 8·121 | 0·999 | 0·923 | 0·272 | 0·253 |
| 1885 | 8·414 | 7·840 | 0·899 | 0·825 | 0·261 | 0·243 |
| 1886 | 7·861 | 7·333 | 0·820 | 0·765 | 0·212 | 0·198 |
| 1887 | 7·561 | 7·148 | 0·770 | 0·719 | 0·198 | 0·185 |
| 1888 | 7·133 | 6·670 | 0·820 | 0·767 | 0·167 | 0·156 |

A return presented to the English House of Commons in June, 1894, shows that "no alterations of the Licensing Acts have been made in this colony."

## NORTH SEA FISHERIES

The evils arising from the sale and bartering of liquor amongst the fishermen of the North Sea, outside of territorial waters, attracted such general notice that in 1882 active endeavours were made to secure an international convention. These were so far successful that in 1886 the representatives of Great Britain, Germany, Belgium, Denmark, France and the Netherlands assembled at the Hague, and on the 16th November, 1887, signed a convention to the following effect:—

Article I provides that the provisions shall apply to the North Sea, outside territorial waters.

Article II prohibits the sale or purchase of spirituous liquors in the district, and the exchange, especially for the products of fishing, gear, or equipment of boats, or fishing implements.

Article III. Boats dealing with fishermen in provisions, etc., must be licensed by their own government, subject to (1) : Not carrying spirits in greater quantity than is necessary for its own crew; (2) all barter for articles mentioned above is forbidden. Licensed vessels must carry a special and is unform mark.

Article IV. High contracting parties must legislate for the punishment of offences against the foregoing articles.

Article V. Each tribunal will take cognizance of offences by their own vessels, notifying the other tribunals of offences by their respective vessels.

Article VI. Prosecutions for infractions to be by the State in each country, under its own laws.

Article VII. Cruisers of the high contracting parties having charge of the police of the fisheries shall enforce these provisions. Resistance to officers of such cruisers shall be considered as resistance to national authority. Offending boats may be taken into port of the nation to which they belong.

Article VIII. Proceedings under these provisions to be as summary as possible.

Article IX. Laws made in each country in respect to these provisions are to be communicated to the other countries interested.

Article X. States not signatory to the convention may adhere to it, on request notified to the Government of the Netherlands.

Article XI. The convention shall be in force for five years, but may be continued annually from year to year, on twelve months' notice being given.

Article XII. The convention to be ratified, if possible, within one year.

The last clause was not possible. The French Government refused to ratify the convention, and on February 13th, 1893, the remaining powers agreed to abide by it, allowing France, if she so desires, to come in under Article X.

The period of life of the convention was reduced to one year, three months' notice of continuance being necessary from year to year.

## QUEENSLAND.

The population of this colony was, in 1892, 421,297. The capital is Brisbane, which has a population of 48,738. The colony separated from New South Wales in 1859. There are collected £55,632 for licenses (not stated what kind). In 1892 the number of persons convicted for serious offences was 203.

This colony is under license, with provision for local option.

*License.*—The Licensing Act provides for the establishment and constitution of licensing districts and licensing authorities; of officers and the duties of officers under their direction; the granting, renewal, transfer, removal and transmission of licenses; the obligations, duties and liabilities of licensees; the sale of liquor by unlicensed persons; local option. The law also contains certain necessary general provisions.

*Restrictions.*—The Act places the following restrictions upon licensees. No licensee can leave his house open, or permit liquor to be consumed on the premises, except from 6 a.m. to 11 p.m., on the six business days of the week; from 6 to 9 a.m., from 1 to 3 p.m., and from 8 to 10 p.m., on Good Friday and Christmas day; nor shall he keep his house open for the sale of liquor on Sundays. A licensee is not prohibited from selling liquor at any time to a lodger in his licensed premises, a bona-fide traveller seeking refreshment on arriving from a journey, or to any person suddenly disabled by accident or sickness, and brought on his premises. A licensee is at liberty to close at 10 p.m., and remain closed till 7 a.m., and to remain closed on Christmas day and Good Friday. If in a municipality or town, he may refuse to supply a traveller on Sunday. Habitual drunkards, children under 14 years of age, any boy or girl apparently under 18 years of age, insane persons, or aboriginal natives of Australia, the Pacific Islands, or Polynesia, born in the colony, or any half-caste

## NEW ZEALAND.

The total population of this colony, exclusive of Maoris, was given as being, in 1892, 650,433. In addition there were 41,993 Maoris. The population of Wellington, the capital, was, in 1891, 31,021.

The following figures were given in regard to crime, etc., in 1892:—

| | |
|---|---|
| Europeans summarily convicted | 13,000 |
| do convicted in higher courts | 184 |
| In jail, December, 1892 | 447 |
| Indoor paupers, 1892 | 680 |
| Children wholly or partly maintained by Government | 1,489 |

This colony has in force a system of license for the restriction and regulation of the liquor traffic. Prohibition of liquor to natives is partially in force. The word "native" includes full-blooded Maoris, and half-castes.

"The Native Licensing Act" was passed in 1878. It provided that on a petition of one third of the adult male and female residents, or of not less than ten of the chief and principal natives, the Governor might proclaim an area as under prohibition, or he might so act of his own motion.

Supplying in any way liquor to a native or to persons for the consumption of natives, or bringing liquor into such area, becomes punishable by fine, £20 to £100, and forfeiture of license, if the offender is a licensee. Licenses held by natives are ended by the proclamation, and no licenses may be issued in such area. This does not apply to liquor used or administered medicinally.

"The Licensing Act, 1881," amended and consolidated all existing laws. It provided that "The Distillation Act, 1868," "The Adulteration Prevention Act, 1880," and "The Native Licensing Act, 1878," should remain in force, except where specifically amended in the present Act, and it exempted perfumery, liquor for medicinal purposes, home produce, if sold in quantities of not less than two gallons, auctioneers selling not less than five gallons, and the refreshment rooms of the Houses of Parliament and military canteens, if established by law, from the application of this Act.

Licensing districts:—Undivided boroughs, wards of divided boroughs, ridings of counties and road districts are ordinary licensing districts. Counties may be divided into special districts, or special districts may be formed in thinly-populated localities.

Licensing committees:—Any manufacturer of liquor, person directly or indirectly interested in the traffic, Government, county or borough official is disqualified, and incurs a penalty of £50 by acting on any licensing committee. Five persons will be annually elected as the licensing committee in each district. In case of vacancies by resignation or death, the Governor shall appoint persons, one to fill every such vacancy. In special districts the Governor shall appoint a committee.

Native districts:—The clauses of the Act of 1878 are re-affirmed, save that fixing the penalty for selling, etc. The penalty is here fixed as not exceeding £20.

Licenses:

1. Publican's license authorizes the sale of liquor in any quantity on premises specified, between the hours of 6 a.m. and 10 p.m. The fee in boroughs is £40, and elsewhere £25.

2. New Zealand wine license authorizes the sale on premises specified, between 6 a.m. and 10 p.m., of any liquor, being a production of the colony, of not more than 20 per cent of proof spirit in quantities not exceeding two gallons. These may be issued in boroughs only; fee £1.

3. Accommodation license authorizes the sale on premises specified on terms of repairing, or keeping in repair, a road, or bridge near the premises, which must be five miles from nearest licensed premises; fee not exceeding £20.

4. Bottle license authorizes the sale of liquor in bottles, six or twelve to the gallon, in quantities of not less than one reputed quart, not to be consumed on the premises; fee £40.

5. Packet license authorizes the sale on board vessel during voyage to passengers; fee, £5.

6. Wholesale license authorizes the sale in quantities not less than two gallons, not to be consumed on the vendor's premises; fee £20.

7. Conditional license authorizes licensee of hotel to sell till midnight, or to open and use more than one bar, each extra bar to be endorsed on the license; fee, not exceeding £30.

The Act fixes a standard of accommodation for all licensed places.

Licensing meetings shall be held in December, March, June and September in each year, and an annual meeting in June, one month's notice of all meetings to be given. All applications to be heard in open court. Applicants to be notified of objections.

Local option:—No new publicans, wine, bottle or accommodation license can be issued unless the ratepayers decide that the number of licenses may be increased. In case of such decision, the power of discretion still rests with the licensing committee. New licenses must be issued in June.

Applications:—Notice of application in writing must be given the clerk of the committee, twenty-one days before the meeting, and must be posted on the premises and published in three consecutive issues of a newspaper circulating in the district.

Objections:—Ten ratepayers, or male or female residents, may object to any application, by a petition lodged seven days previous to the date of hearing. Any inspector or male or female adult resident, or the owner of the premises, may object personally at the time of hearing. In native districts five adult male or female residents may object. The council of any town, or the governing body of any corporate town may object, on 1st, the character of the applicant; 2nd, the premises not being in repair, or not containing sufficient accommodation; 3rd, the license is not requisite, would endanger the peace of the district, or is in proximity to a church, hospital, or school.

The granting of licenses is to be at the discretion of the committee. Licenses may be cancelled for improper conduct of a house.

Licenses may be transferred, subject to objection; fee, £2.

Fees for licenses in borough, county and road districts shall go to the respective treasurers thereof; elsewhere, to the public treasury. Fines and penalties shall be applied to the public account.

All licenses, forfeitures, disqualifications, etc., shall be registered, such registers to be open to inspection on payment of a fee of one shilling.

The chief offences are not producing license when lawfully demanded, employing any female, other than the wife or daughter, in the house more than ten hours a day, or allowing a female to serve in bar after 11 p.m., employing or permitting girls to dance, refusing to receive travellers, employer paying wages in licensed premises, refusing to receive a corpse for inquest. The Act contains the usual provisions for the protection of morality.

Helpless drunks placed in the cells must be visited at intervals not exceeding three hours, and if the senior constable present deems advisable, shall have immediate medical attendance. Magistrates may remand such persons for a period not exceeding 7 days to a hospital, or other place for treatment, they being deemed in the custody of the jailer; costs of such treatment and maintenance to be paid by the person, in addition to the penalty imposed, or in default, imprisonment, with or without hard labor, for not more than three months.

In all cases of imprisonment under this Act hard labour may be added.

No conviction can be cited as a previous conviction after a lapse of five years.

Two convictions under this Act within six months may forfeit the license.

A second conviction within five years for permitting drunkenness, harbouring disorderly persons, permitting gambling, and supplying children, or two previous convictions, against one or more sections of the Act, shall disqualify for five years. Three convictions on the same premises shall disqualify the premises for two years.

Owners of premises, not being the occupiers, shall be notified of convictions, and provision is made for them to protect their interests under the Act.

of these races, are interdicted from obtaining liquor. The penalty for supplying a native is £5 for each and every offence.

*Local option.*—The following is a brief summary of the provisions for local option contained in the Act. Any number of rate-payers in any area, not being less than one-sixth of the whole, may, by notice in writing, given not later than the 1st of November in any year, require the chairman of the local authority to take a poll of the ratepayers of such area for or against the adoption of all, or any, of the following resolutions, to have effect within that area:—

1st. That the sale of intoxicating liquor shall be prohibited.

2nd. That the number of licenses shall be reduced to a certain number, to be specified in the notice, not being less than two-thirds of the existing number.

3rd. That no new licenses be granted.

The chairman of the local authority to be the returning officer to take the poll.

To carry the first resolution requires a majority of two-thirds of the votes recorded, to carry the second or third, a bare majority of votes cast. Provided should the vote be taken upon more than one resolution, (*a*), only one resolution shall be adopted; (*b*), if the first resolution is carried, it shall be adopted, whether either or both of the other two resolutions be carried or not; (*c*), if the second resolution is carried and the first is not, it shall be adopted whether the third be carried or not; (*d*), if the third is carried, and the first and second not, it shall be adopted. The first resolution being carried, it comes into force June 30th in the year following that in which notice for the poll was given. The second being adopted, comes into operation at the next general meeting of the licensing and the licensing authorities on receiving notice of the carrying of the third, are precluded from issuing any fresh licenses. No new poll can be taken on the first resolution for three year after its adoption; on the second and third, for two years from the date of the first poll.

No test of local option.

Mr. William T. Blakeney, Registrar-General of Queensland, in a report dated 18th January, 1890, says:—

"It will be observed that the principle of local option came into force under the Act at the close of 1885, and it was full six months later before any action was taken thereunder; therefore it is obvious that the period which has elapsed since the law was put in force is too short for any reliable deductions to be made as to its workings. I have, however, caused a return to be prepared showing the results of the voting by local tax payers under the local option clauses, and the localities in which the provisions of the Act have been enforced, or otherwise. Referring to this return, it will be seen that up to the present time no poll has been demanded on the first resolution, that only one poll has been taken on the second, and that the chief interest has been with regard to the third, on which 43 polls has been taken in different parts of the colony. As a result of the polling, the resolution was carried in 42 places, and lost in one, but in five places where a second poll has been taken in 1889, the action of carrying the resolutions in 1886 was rescinded, from which it would appear that a certain amount of reaction on the subject was taking place. In one case, owing to the poll having been improperly taken, on an application made to the Supreme Court the result of the poll carrying the resolutions was upset.

I would also draw attention to the crmparatively small number of votes recorded respecting the resolutions, compared with the population (unfortunately I cannot now obtain a return of the number entitled to vote), which shows that for a large porportion of the people the subject has no interest, the opposition to the sale of liquor being principally worked up by persons influenced by conscientious objections to the use of alcohol, and on the opposite side are to be found principally those who have vested interests in the liquor traffic.

Drunkenness and crime in the colony.

The action under the local option clauses of the Act, as previously stated, has not had a sufficiently long trial to prove whether or not it

will have any beneficial effect on the criminial statistics of the colony. The following is the return for ten years:—

| Year. | Mean Population. | Convictions for Drunkenness. | Ratio per 1,000 of Population. |
|---|---|---|---|
| 1879 | 214,180 | 2,101 | 9·81 |
| 1880 | 221,964 | 2,086 | 9·40 |
| 1881 | 226,022 | 2,839 | 12·56 |
| 1882 | 237,611 | 2,926 | 12·31 |
| 1883 | 267,865 | 3,580 | 13·36 |
| 1884 | 298,794 | 4,682 | 15·33 |
| 1885 | 318,414 | 4,972 | 15·62 |
| 1886 | 334,765 | 5,194 | 15·52 |
| 1887 | 354,777 | 5,661 | 15·96 |
| 1888 | 387,201 | 5,883 | 15·19 |

"It shows that there was a sudden increase in drunkenness in 1884; that the proportion fluctuated slightly since then up to the end of 1888, the last year for which complete statistics are available. Any beneficial effect can only be expected subsequent to the year 1886, but it is only in the proportion for 1888 that a slight decrease is observable."

Mr. Blakeney also encloses statistics of cases disposed of by the benches of magistrates, from which is prepared the following table showing the number of convictions by the magistrates during a period of ten years, for the offences named (cases of drunkenness not included):—

| Year. | Population. | Offences Against Person. | | Offences Against Property. | | Other Offences. | |
|---|---|---|---|---|---|---|---|
| | | Convictions. | Ratio per 1000. | Convictions. | Ratio per 1000. | Convictious. | Ratio per 1000. |
| 1879 | 214,180 | 646 | 3·01 | 456 | 2·13 | 2,559 | 11·96 |
| 1880 | 221,964 | 674 | 3·03 | 536 | 2·42 | 2,755 | 12·41 |
| 1881 | 226,022 | 642 | 2·83 | 566 | 2·50 | 3,206 | 14·18 |
| 1882 | 237,611 | 846 | 3·14 | 536 | 2·26 | 3,717 | 15·64 |
| 1883 | 267,865 | 1,368 | 5·11 | 655 | 2·45 | 4,185 | 15·62 |
| 1884 | 298,794 | 1,524 | 5·10 | 778 | 2·60 | 4,636 | 15·52 |
| 1885 | 318,414 | 1,129 | 3·55 | 747 | 2·35 | 4,603 | 14·46 |
| 1886 | 334,765 | 1,123 | 3·35 | 882 | 2·63 | 5,642 | 16·85 |
| 1887 | 354,777 | 1,290 | 3·64 | 1,011 | 2·85 | 4,487 | 12·08 |
| 1888 | 387,201 | 1,273 | 3·29 | 1,008 | 2·60 | 5,566 | 14·37 |

The above does not include those cases committed for trial or sentence, as no returns of the higher courts are contained in the report.

A return presented to the English House of Commons in June, 1894, shows that no changes have been made in the law. It also contains the data from which the following extension of Mr. Blakeney's table is prepared *re* convictions for drunkenness, and also the tables for convictions for other offenses. The figures in regard to

population are taken from "the Stateman's Year Book," and include an estimate of 12,000 for the native population :

| Year. | Population. | Convictions for Drunkenness. | Ratio per 1,000 of Population. |
|---|---|---|---|
| 1889 | 399,463 | 6,002 | 15·03 |
| 1890 | 406,658 | 6,192 | 15·22 |
| 1891 | 410,330 | 5,450 | 13·28 |
| 1892 | 421,297 | 4,810 | 11·42 |

No explanation is given in the papers of the large reductions in the number of cases of drunkenness in the year 1891-1892.

OTHER OFFENCES.

| Year. | Population. | Offences against person. | | Offences against property. | | Other offences. | |
|---|---|---|---|---|---|---|---|
| | | Convictions. | Ratio. | Convictions. | Ratio. | Convictions. | Ratio. |
| 1889 | 399,463 | 1,369 | 3·43 | 1,180 | 2·98 | 6,236 | 15·61 |
| 1890 | 406,658 | 1,496 | 3·68 | 1,176 | 2·89 | 5,706 | 14·03 |
| 1891 | 410,330 | 1,483 | 3·61 | 1,181 | 2·88 | 6,129 | 14·90 |
| 1892 | 421,297 | 1,291 | 3·06 | 1,113 | 2·04 | 6,449 | 15·31 |

In the return which embodied Mr Blakeney's report the population in many of the polling districts was not given. There was no record of the numbers voting for or against the resolution, in several instances the majority only being shown. Taking the cases where the population was set out, and also the number of votes polled, it appears that the numbers voting ranged from 2 to 17½ per cent of the population, in many cases the votes being less than 5 per cent of the population.

In 1894 another return was laid before the House of Commons (England), in which the results of the voting on local option in 49 municipalities were given, viz:—

1. In 30 instances the votes were against any increase in the number of licenses.

2. In three cases the resolution against any increase in licenses was defeated.

3. In 10 cases the vote was cast in favor of rescinding previous votes for no increase in licenses.

4. In 3 cases the vote was in favor of a decrease of the number of licenses.

5. In 1 case resolution No. 1, (that the sale of liquor be prohibited), was defeated.

6. In 1 case resolution No. 1, was carried, the total number of persons who recorded their votes being 96.

In 1 case the resolution in favor of no increase in licenses was carried, but was rescinded by the Supreme Court for informality.

The ten cases of repeal included the 5 cases referred to in Mr. Blakeney's memo., although they were not included in the report he presented with it.

## SOUTH AUSTRALIA.

There is a population of 331,721 in this colony. The capital is Adelaide; population, 136,766.

The liquor traffic in South Australia has always been restricted and regulated by license. The more recent Acts are Act No. 16, of 1869-70; No. 22, of 1872; No. 52, of 1876; No. 68, of 1877; No. 69, of 1877, and No. 191, of 1880. A still later Act will be referred to presently. The Act of 1869 commenced the restriction of Sunday selling.

The Act of 1880 is most voluminous, containing 145 clauses and 25 schedules. It is called "The Licensed Victuallers' Act, 1880," and contains the following provisions:

"Bench" means licensing bench of justices for the district.

"Liquor" means any spirituous, malt, vinous, or fermented liquor.

"Mead, wine, cider or perry" mean these liquors made from fruit grown in the province, and from honey, the produce of the province, and not containing more than 35% of proof spirit.

"Town" means any corporate town and township containing 40 dwelling-houses within the radius of one mile.

Liquor in less quantities than five gallons may not be sold wholesale.

Spruce beer, liquor for medicinal purposes, mead, wine, cider and perry in quantities of not less than one quart bottle (reputed), not for consumption on the premises, sold by the occupier of a vineyard or orchard on any day but Sunday, and liquor supplied as "allowance" to a crew of a vessel, are exempt.

Licenses for the sale of liquor are of five kinds:

Publican's license, to sell liquor in any quantity on the premises specified; fee, £30 in towns, £15 elsewhere.

Storekeeper's license, to sell not less than one gallon of one kind of spirits, or one dozen reputed quart bottles of wine, not to be drunk on the premises; fee, £10.

Wine license, for the sale of wine, mead, cider and perry in any quantity; fee, £5.

Storekeeper's colonial wine license, to sell wine, mead, cider and perry in not less than one quart bottle, not to be drunk on the premises; fee, £3.

Packet license, for sale to passengers on board vessels; fee, £10.

Licenses take effect from day of issue. All licenses, except packet licenses, terminate on 25th March. Licenses issued for less than twelve months, pay proportion of fee only.

Justices interested in the trade in any way are excluded from the licensing bench. Each bench shall sit annually on March 25th, and quarterly on the second Tuesday in June, September and December. Special sittings shall be held for considering forfeitures of license.

Applications for license must be in writing, accompanied by plans, and be made at the meeting of the bench prior to the date of consideration. Notice of application shall be given by advertisement in two daily and two weekly issues of a newspaper, in two issues of the *Gazette*, and by notice posted on the house and land.

Objections to license: Two-thirds of the ratepayers of the district may object by signing memorial, of which notice has been served on applicant. New applicants for licenses in existence must be certified as to character. The penalty for signing a false character is "not exceeding" £5.

Objections may be based on the character of the applicant, the nature of the premises, not filing of plans, danger to the quiet of the locality, or the vicinity of a church, school or hospital.

Tap-rooms must be approved by the bench, and be under the management of an approved manager.

Proceedings for the transfer of license are the same as those for obtaining a license.

Provision for the protection of interests in case of death, insolvency, etc., are made.

Removal of license requires application and notice, and is open to objection.

Five days' certificates to sell may be granted in case of races, regattas, cricket matches, shows, etc., to licensed persons only; fee, £2.

Certificates may be granted for the sale of liquor at a gold field; fee for liquor, £5, and for wine, £1 for three months.

Licenses are forfeited for the following causes:—Conviction for the felony of the licensee; three convictions of licensee for any offence. The landlord may in these cases temporarily carry on the business.

Liabilities and penalties: Any justice disqualified from sitting on the licensing bench, and who takes part in the business thereof; fine, £100. Allowing games on Sunday, harbouring prostitutes, thieves or disorderly persons; penalty, not exceeding £20. Not having name and light (at night) in front of the premises; penalty, 10s. to £10 for each night or part of a night. Having an unapproved tap or manager; penalty, £5 to £50. Refusing to receive travellers, horses, or a corpse for inquest; penalty, £1 to £20. Lodgers' goods are not seizable for rent. No debt for liquor less than 20s. at one time is recoverable at law. Taking any payment but money or bank notes; penalty, £10 to £50. In any way supplying an aboriginal native or half-caste; penalty, £1 to £10. Supplying children under 15; penalty, £1 to £5. Supplying a constable on duty; penalty, not exceeding £5. Supplying an intoxicated person; penalty, £10 to £50. Allowing music or dancing to take place without a permit; penalty, £5 to £10; fee for permit, 5s. Habitual drunkards may be interdicted for twelve months; penalty for supplying them, first offence, not exceeding £5; any subsequent offence, £5 to £10. Not having conspicuously posted in the tap-room or bar certain clauses of the Act prohibiting the supplying of liquor to those mentioned therein; penalty, 40s., and 10s. for each day that the law is not complied with. Having any retail store other than in the case of wine licenses, refreshment room or confectionery store, communicate with licensed premises; penalty, up to £5 per day. The same applies to eating houses and licensed premises. Employing a person who has been refused or forfeited a license; penalty, £2 to £20. Sharing profits with, or entrusting management of house to, an unlicensed person; penalty, £5 to £100. This does not apply to a partnership between a wine licensee and confectioner carrying on their respective businesses in the same premises. Keeping house open after 11 p. m., or before 5 a. m. on week days; penalty £2 to £10. A licensee may close at 10 p. m., or supply lodgers or *bona fide* travellers. Outer doors between any street and tap-room must be closed on Sunday; penalty, not exceeding £5. *Bona fide* travellers or lodgers may be supplied, others also between 1 and 3 p. m.; penalty for breach of restriction, £5 to £50.

The Act contains stringent provisions for the better maintenance of law and order.

This Act was the immediate outcome of the report of a commission appointed in 1879, and in accordance with their recommendations. Two members of this commission, however, strongly urged the adoption of an extended local option system in preference to the mode of granting licenses therein contained. In dealing with the promotion of temperance, the Commissioners say:—

"It must rest with the youth of both sex in South Australia. They should be taught to avoid the use of intoxicating drinks in connection with their work and recreation, to look upon them as dangerous and unnecessary, to discourage those who are addicted to the pernicious habit whenever they are met, to point out to those who advocate short hours of work that time so taken from healthy industry must not be wasted in habits of degrading indulgence and idleness."

On the 16th of September, 1890, "A bill for an act to amend the Licensed Victuallers Act, 1880," was introduced into the House of Assembly, and passed. It provides for the licensing of clubs of bona-fide character having, in Adelaide, not less than 50 members, and elsewhere 25, on payment of an annual fee of £5, the steward or manager to be registered and the club open to the inspector. Upon complaint proved, the certificate shall be cancelled and the club have to come under the full operation of the License Act.

License fees: The Act provides for the payment of fees in towns on the scale of assessment; in the country districts the annual fee to remain £15. The following is the scale:—

| Annual Value. | License Fee. |
|---|---|
| £100 | £15 |
| 200 | 20 |
| 300 | 30 |
| 400 | 35 |
| over 400 | 40 |

Objections: Licenses may be objected to on the ground of the applicant's character; that he has forfeited a license within six months; that communication exists between the premises and some other retail store, or they have a common yard; insufficient accommodation; that such licensed premises are not necessary; vicinity to a church, school or hospital; lack of accommodation of places of decency; that recommendations of the bench have not been complied with. Premises 10 miles from Adelaide must provide one sitting room, and two sleeping rooms, with separate entrance, places of decency, and stabling for four horses. Objection can be made in the case of wine licenses on the ground of the applicant's character; that he is interested in the keeping of a brothel; that he is of drunken habits, and all the valid objections to a publican's license, except that of accommodation. In the case of store-keepers' licenses, the objections shall be as to character and previous conviction.

Part IV of this bill makes provision for local option. It provides that "All licenses not existing shall, after fifteen years from the passing hereof, not be renewed as a matter of course, but shall thereafter be renewed or not at the discretion of the licensing bench."

One-tenth of the residents in a district, whose names are on the roll of ratepayers, may petition for a vote to be taken as to:—

1. Whether any new publicans' wine or store-keepers' colonial wine licenses in respect of premises not being so licensed shall be granted in such local option district.

2. Whether the number of publicans' wine or store-keepers' colonial or wine licenses in such local option district shall be decreased to any number below the then existing number or not.

The law which was passed in 1891 further provided (clause 15) that if the ratepayers of any local option district determine that there shall be a reduction in the number of licenses issued below the then existing number, the licensing bench having jurisdiction in such district shall determine the licenses which shall not be renewed, and notice is to be forthwith given by the clerk of the licensing bench to the holders of licenses; "and such owners and occupiers shall be entitled to compensation, to be determined as hereinafter provided, and where the occupier is not the owner of any such premises, the lease or agreement under which such occupier holds the same shall, if he shall so elect, be deemed to be annulled; provided that no person shall be deprived of a publican's license in pursuance of any such determination, unless and until he has received the compensation, if any, due to him in respect thereof under this Act, or the same has been tendered to him."

It is provided (clause 18) that the amount of compensation to be paid to the owner of any premises by reason of the annual value of such premises being diminished, owing to the publican's license being taken away therefrom, in consequence of the determination of the ratepayers of the local option district in which such premises are situated, and to the occupier by reason of his lease or agreement being annulled, and for the loss of his license and business as a publican, shall be determined by arbitration only.

It is further provided (clause 22) that the compensation to be paid on the refusal of the bench to renew any license, in consequence of the result of the poll prescribed by this Act, shall be calculated on the following basis, and not otherwise:—

"The difference between the rental value of the premises as a licensed house, and as an unlicensed house, from the time of the non-renewal of such license, until

a period of fifteen years from the passing hereof. Should the holder of the freehold of the licensed premises and the licensee be different persons, or should the lessee and the licensee be different persons, or should there be more than one lease subsisting of the said premises, or should the premises be mortgaged, or should there be any lean thereon, the said compensation shall be divided between all the persons interested in such proportions and manner as the said arbitrators, or a majority of them, may determine."

It is further provided (section 23) that no compensation shall be payable to any person in respect of the refusal to renew a license issued after the date of the passing of the Act in question.

No house may be open on Sunday, but lodgers and bona-fide travellers may be supplied. Penalty for selling, not exceeding £20; for falsely representing oneself a traveller, not more than £10.

Special permits to sell on board any packet during a period not exceeding one day may be granted by a special magistrate or two justices; fee, £1. Liquor may not be taken on board any of H.M. ships without leave of the commanding officer; penalty, seizure of the liquor; fine, not exceeding £10. All bars must be locked up during prohibited hours, an open door affording *prima facie* proof of sale; penalty, £5 to £20. Provision for carrying on business in case of death of licensee.

A return laid before the British House of Commons in June, 1894, contains a report furnished Lord Kintore by Mr. W. J. Peterswald, Commissioner of Police. who says:—

"The liquor traffic in this colony has, on the whole, been conducted in a manner which, compared with its operation in other countries, can only be regarded satisfactory. Last year the number of convictions for drunkenness was 2,399, being 7·26 per thousand of the population, and the number of convictions for offences by licensed victuallers against the provisions of the Act was only 81. As in 1883, the convictions for drunkenness reached 4,362; the improvement in this direction is most marked.'

Mr. Peterswald also reports that the local option clauses, though tested in one or two instances, have not resulted in the closing of any public houses. The least satisfactory feature is the working of the Act respecting total Sunday closing. He says, "a good deal of stratagem is employed to evade the Act."

## TASMANIA.

The population of this colony is 146,667, that of Hobart Town, the capital, being 24,905.

The prisoners in jail at the end of 1891 numbered 165.

This colony has long been under license, the present Act, known as "The Licensing Act 1889," repealing the Licensing Act 21 Victoria, No. 39, and eight subsequent amending Acts.

The Act 53 Victoria, No. 37, now in force, defines "liquor" as being any liquor whatever containing not less than 2½ per cent of alcohol by weight.

Selling without a license incurs cumulative penalties of from £20 to £100, or, in default, imprisonment, with or without hard labour, from 6 to 12 months. Purchasers of liquor from illicit sellers, unless informers and witnesses against them, also incur a penalty.

Licenses are granted by a licensing bench of nine magistrates, the police magistrate and mayor in cities, and the warden in municipalities being *ex-officio* members, The court has all the powers of a court of general session, and meets annually, on December 1st, for the issue of licenses, and quarterly, in February, May, August and November.

Public-house license: fee £25, and for a separate tap £20, with fees to the clerk of the court for drawing case, and superintendent of police for preparing a list of ratepayers. This license includes permission to sell liquor on the premises mentioned, or not less than 7 quarts in any bonded warehouse. Twenty-eight days' notice of application may be given.

No one but the certified agent may sell liquor in a separate tap.

No woman, except the wife of the landlord, may sell liquor after 10 p.m.

Any resident ratepayer may, on giving five days' notice, object to the granting, transfer or continuation of any license.

A majority of the ratepayers of any neighbourhood in which a license is sought may petition against such application, and it is imperative on the licensing bench to entertain such petition, if duly lodged with the clerk of the peace ten days previous to the hearing of said application.

When an application is refused, no renewal of it can be made for three years.

The applicant must bear costs of successful opposition, but if the opposition appear to be vexatious or malicious, the magistrate can condemn the petitioner or petitioners in costs.

Should a license, owing to conviction for any offence, forfeit his license, or leave and abandon his premises, the owner of the place may apply to any two justices for leave to continue selling until the next ensuing quarterly meeting of the licensing board, as also in a case where a tenant neglects to apply for a renewal of license.

Offences:—Giving or allowing the supplying of liquor to any one under sixteen years of age; allowing any female, not the wife, to serve liquor after 10 p.m.; selling, except to lodgers and travellers, on Sunday, Good Friday or Christmas day; keeping open after 11.30 p.m. on week days, or being open before 5 a.m. from August 1st to March 31st or before 6 a. m. from April 1st to July 31st; a licensee may close at 10 p.m., if he desires; refusing to receive travellers or horses of travellers; allowing a store or shop to connect with the house or tap; not measuring liquor, or refusing to re-measure; supplying intoxicated persons; permitting music or dancing, outside of his private apartments; permitting noise or disorder; allowing dog or cock-fighting, boxing or wrestling; not assisting the police; being drunk or allowing his servants to be so; harbouring prostitutes, allowing a disorderly house, or permitting gambling; selling or holding unwholesome, adulterated or deleterious liquors.

A special night license may be granted by any two justices of the peace in petty sessions for such occasions as a dinner, ball, or other entertainment being held in the house. Fee, five shillings.

A second conviction forfeits the license.

Other licenses:—

A packet or steamboat license for sale to passengers only during voyage; fee, £10.

Railway refreshment rooms for the sale of liquor at any railway station, for one half-hour before and after the arrival or departure of any passenger train, with the approval in writing of the general manager or directors of the line; fee, if applicant do not hold a publican's license, £12 10s.; if he hold a publican's license, £5.

Races, etc.:—Licenses to sell liquor at races, volunteer encampments, fairs, regattas, etc., may be granted, the holder only to sell, provided applicant have the written consent of the authorities, or officer commanding. Applicant must be holder of a publican's license.

Legislative Refreshment Rooms:—A public-house licensee may be authorized by the Joint Committee of both Houses of the Legislature to supply liquor in the refreshment rooms in the House, at any hour of day or night, during the sessions of Parliament.

Theatre license to supply liquor in the refreshment room of any theatre during the hours of performance; fee, £5.

The Treasurer may, upon a certificate accompanied by the approval in writing of any two justices, grant a wholesale brewers', druggists' or importers' license, as the case may be.

Wholesale license, fee £25, permits the sale of not less than seven quarts at any one time.

Brewers' license, fee £12 10s, permits the sale of not less than five gallons of malt liquor of his own manufacture.

Druggists' license, fee £5, permits the sale of medicines, drugs or certain defined liquors in prescribed quantities.

Importers' license, fee £10, permits the sale of, in bond, not less than 100 gallons of liquor, or not less than 20 unbroken packages.

Licenses granted for portions of a year only, carry proportionate fees. All renewals must be applied for at the annual meeting of the Board.

Liquor may not be taken on board any of H. M. vessels without the permission of the commanding officer; penalty, £10 for each offence and seizure of all liquor.

Granting of all licenses must be announced in the *Gazette*.

Fees for theatre licenses, permission to sell during prohibited hours, such as for balls, etc., and for certificate of transfer of railway refreshment room license, go to the municipality where collected. All other fees go to the Treasurer, and are applied to the Consolidated Revenue Fund; also all fines.

The manufacture of cider, perry or native wine, and the sale of the same in quantities of not less than two gallons is permitted.

Prohibitive clauses. Confirmed inebriates may be interdicted for twelve months, such interdiction to be renewable. Any prohibited person procuring liquor incurs a penalty of £5 for the first offence.

Upon the application of a relative, the superintendent of police shall prohibit any person having the liquor habit from being supplied with intoxicants.

An official return gives the following table:—

TABLE showing the extent of crime, the amount of drunkenness, and the actual consumption per head of wines, spirits and malt liquors, for 12 years.

| Year. | Per 10,000 of mean population. | | | Per head of mean population. | |
|---|---|---|---|---|---|
| | Apprehensions and summonses.‡ | Apprehensions for drunkenness. | Committed for trial in Superior Courts. | Wine and Spirits consumed. | Malt Liquors consumed. |
| | | | | Gall. | Gall. |
| 1881.. | 407·8 | 123·3 | 7·67 | ·921 | 9·365 |
| 1882.. | 479·5 | 151·4 | 7·70 | 1·061* | 10·035 |
| 1883.. | 494·5* | 152·0* | 7·08 | 1·013 | 10·205* |
| 1884.. | 355·8 | 122·8 | 5·45 | ·838 | 9·036† |
| 1885§ | 343·5 | 111·2 | 5·37† | ·860 | 9·237 |
| 1886.. | 374·5 | 111·5 | 6·10 | ·861 | 9·652 |
| 1887.. | 335·1† | 89·1 | 6·65 | ·850 | 9·691 |
| 1888.. | 365·8 | 83·5 | 7·22 | ·893 | 9·366 |
| 1889.. | 425·8 | 82·3 | 7·48 | ·730† | 9·641 |
| 1890.. | 365·9 | 80·1† | 8·14* | ·809 | 9·258 |
| 1891.. | 337·4 | 77·0 | 6·58 | ·912 | 9·970 |
| 1892.. | 350·4 | 60·2 | 7·00 | ·646 | 9·427 |

* Maximum, † Minimum, ‡ Less, cases of drunkenness.

§ The figures prior to 1884 are relatively somewhat higher than they ought to be, owing to the inclusion of petty cases of non-payment of rates, etc., subsequently included amongst civil cases.

Mr. Bernard Shaw, commissioner of police, in forwarding this report, says:—"These figures present many interesting considerations with reference to drink, drinking and crime. It is curious to observe, although there is evidently a perceptible relationship between drunkenness and other minor offences, that the immediate relationship between drunkenness, the average yearly consumption of intoxicating liquor and serious crime is far from being apparent. This will be observed by reference to the signs indicating the year when the maximum and

minimum were reached under each specific head. Whatever indirect effects spring from the excessive use of intoxicating liquors, the extent of actual drunkenness and the year's drinking does not correspond with the actual extent of serions crime within any one year during the last decade in Tasmania. It is excessive drinking by the same individual within a brief space of time which immediately induces the state of drunkenness, and not the quantity taken over a long yearly period; and hence it is quite conceivable that individual excesses within, say, each 24 hours, may be more frequent in some cases where the mean quantity per head per year of total population may be comparatively low and, conversely, there may be fewer cases of individual excess in drinking in some cases where the average drinking per head per year of total population is comparatively high. Generally, however, the mean per year is a good, if not infallible, index to increase or decrease in drinking habits."

Speaking of the action of the Act, he says: "The convictions for the illegal sale of liquor by unlicensed persons have been confined for some years past to newly formed mining centres, where licensed houses had not been opened, and to Chinese camps at other mining districts. There is little or no illicit sale in other parts of the colony.

"The provisions of the Act under which stores or premises where liquor is suspected of being sold may be searched under a justice's warrant, and the liquor seized and condemned, operate very well, preventing no doubt in many places any attempt to keep liquor for the purpose of illegal sale.

Some of the most beneficial provisions are those under which the sale or giving of liquor to persons who are addicted to habits of intemperance may be prohibited. This power of prohibition may be exercised by justices, or by superior officers of police, and has been resorted to in many cases, to the great benefit of individuals and their families.

"The offence of drunkenness has largely decreased, and is steadily decreasing in the colony. Records which are carefully kept by the police show the very gratifying result that arrests and convictions have diminished in number year by year, and have fallen to less than one-half in ten years, although the population has increased considerably during that period. They are as follows:—

| | |
|---|---|
| "In 1883 | 1,781 |
| "In 1892 | 815 |

"This is not, of course, to be attributed solely to the operation of the laws for regulating the sale of liquor, although the restrictions placed upon that traffic have, in some degree, assisted to lead to the result, but rather to the marked improvement in the habits of the people, who, in common with all other British communities, have exhibited a steady progress in the direction of temperance."

## VICTORIA.

The capital of Victoria is Melbourne; population, 490,896. The total population of the colony is 1,167,828.

The following figures are given in regard to crime:—

| | |
|---|---|
| Arrested in 1891 | 35,429 |
| Summarily convicted | 22,280 |
| Committed for trial | 1,177 |
| Sentenced | 729 |
| In jail, December, 1892 | 1,725 |

In this colony a license system has long been applied to the liquor traffic, the laws relating thereto being consolidated and amended by "The Licensing Act, 1876," which, in turn, was repealed in 1885.

"The Licensing Act of 1885" is a stringent and bulky one, divided into seven parts, and containing 151 clauses and six schedules. By clause 2 all previous Acts are repealed. Several exemptions to the operation of the Act are given, the principal being the refreshment rooms of the Houses of Parliament, military canteens,

bona-fide clubs, vendors of cider, wine or perry in quantities of not less than two gallons at any one time, the produce of grapes, apples or pears of their own growth, and for consumption on the premises.

The schedule of licenses embraces nine classes, and the fees range from £2 to £50, being based, in the case of taverns, on the annual assessment of the premises. In the case of an inn or tavern assessed at £200, the license is £50.

The colony is divided into licensing districts, corresponding with the existing electoral divisions. The number of victuallers licensed in any one licensing district shall not exceed one for each full 250 of the first one thousand inhabitants, and a further one for each subsequent full 500 inhabitants of each licensing district.

Clause 22 provides: "When, after the commencement of this Act, the number of victuallers' licenses in any licensing district is in excess of the statuatory number, not including those authorized in excess of such statutory number by this Act, or when such number of victuallers' licenses is below the statutory number, one-fifth of the number of persons whose names for the time being are on the rolls of electors for the electoral division forming such licensing district may petition the Governor-in-Council to cause a poll to be taken to determine whether or not the number of such victuallers' licenses in such licensing district shall be decreased to any number below the number then existing, but not below the statutory number or to determine whether or not the number of such victuallers licenses in such licensing district shall be increased to any number above the number existing, but not above the statutory number."

In case of the ratepayers demanding a reduction in number, the licensing court shall decide upon the licenses not to be renewed, but the owners and occupiers of such premises from which the licenses are taken must receive compensation. The same process may be applied to grocers' licenses, except that no title to compensation is conferred. Every determination of ratepayers shall continue in force three years. The powers, authority and procedure of the licensing courts are carefully defined. License inspectors are to be appointed to inspect premises, and there are also to be inspectors of liquor, who shall examine all liquors, selecting samples for analysis. The offering or giving of any bribe to an inspector, and the acceptance thereof, are both met by clauses of prohibitory stringency.

In all cases of application for renewal of license the record of applicant's previous career, the way in which he has conducted the house, and the character of the frequenters shall be laid before the court.

Habitual drunkards may be interdicted, and persons under 16 years of age cannot be supplied with liquor.

Sunday selling is strictly prohibited. Only one bar is allowed in each house, and a bar found open during prohibited hours is *prima facie* evidence of sale.

Section 120 provides, "If any licensed grocer supply, or cause to be supplied, any liquor, and charge for it under a fictitious heading or description, he shall forfeit and for a first offence any sum not less than £10 nor more than £20, and for a second and any subsequent offence not less than £20 nor more than £50."

Three convictions within three years suffice to disqualify a licensee from holding a license for three years; three convictions within such period on the same premises disqualify the premises for two years. Under certain circumstances where the licensee is only an occupier, the owner of the premises may, in case of the licensee forfeiting his license, or becoming personally disqualified, appoint an agent to carry on the business until the end of the year for which such license was granted.

The Act also contains stringent provisions for the regulation of the traffic and the maintenance of good order and morality.

The Act of 1886 consists of merely verbal amendments to strengthen and perfect the foregoing Act, therein called "The Principal Act."

"The Licensing Amendment Act of 1887" is also chiefly composed of verbal amendments. It provides for the settling, by arbitration, of the amount of compensation due to any licensee or owner through the depreciation in value of any premises by reason of loss of license following on a vote of the ratepayers.

The effect of the two amending Acts has been to make the Principal Act much more stringent.

License fees in boroughs, less five per cent for the cost of administration, go to the municipal fund. All fees elsewhere than in boroughs form a part of the consolidated revenue.

In a memorandum dated 26th May, 1890, the chief commissioner of police states that the stringent restrictive licensing laws which have been in operation since 1885 have done much to lessen offences by publicans and others. The law is rigidly and systematically enforced, and its general tendency is towards increasing national sobriety. Eighteen superintendents of police report, 1st, that the character of the accommodation has vastly improved; 2nd, that drunknness is about stationary, (in five districts there is an increase due to the carrying out of public works or in proportion to increase of population); 3rd, that Sunday trading is decreasing, (three superintendents dissent on this point); 4th, that the police find great difficulties in obtaining evidence against publicans, owing to reluctance on the part of witnesses, who in some cases commit perjury.

A return laid on the table of the British House of Commons in June, 1894, shows that no change has taken place in the laws. A decrease in the number of arrests for drunkenness and in the extent of Sunday trading is reported. This however, is not attributed to the operation of the license law, but to depression in trade. The lack of inspection of clubs, and the facilities for obtaining club licenses, require amendment, and the regulations for wine licenses should be more stringent. Local option, where enforced, has not reduced drunkenness.

## WESTERN PACIFIC ISLANDS.

The Western Pacific Islands include many small groups and islets, amongst them being,

The Friendly Islands,
The Navigators Islands,
The Union Islands,
The Phœnix Islands,
The Ellice Islands,
The Gilbert Islands,
The Solomon Islands,
The New Hebrides Islands,
The Santa Cruz Islands,

The Manihiki Islands, and all other islands in the Western Pacific not within the limits of the colonies of Fiji, Queensland, New South Wales or New Guinea.

These islands are under a High Commissioner.

A regulation was made in 1888 to prohibit the supplying of intoxicating liquor to the natives of these islands. The word "natives" means every person not of European descent.

Any British subject directly of indirectly supplying any native of any island shall be liable:—

1. To imprisonment not exceeding three months, with or without hard labor, and with or without a fine not exceeding £10; or,

2. To a fine not exceeding £10, without imprisonment.

Liquor may be administered medicinally; but the onus of proof of necessity shall rest with the persons so administering it.

In Rarotongo, one of the Manihika group, a license law appears to have been recently introduced (1891), and to have given rise to vigorous protest from the New Zealand Alliance, through Sir William Fox, their president.

## WESTERN AUSTRALIA.

The population of this colony is 58,674; that of Perth, the capital, is 10,040. In 1891 the proportion of the white population which could neither read nor write was 13.20. The following figures were given in regard to crime:—Summary convictions, 3,577; convictions in superior courts, 58. This is a reduction on 1891, the ratio being 60.96 per 1,000 of population in 1892, as against 66.55 per 1,000 in 1891.

The colony has the liquor traffic regulated and limited by license.

In 1880 the then existing acts were consolidated by the "Wines, Beer and Spirit Sale Act, 1880." Under this Act licenses are divided into ten classes:—

1. Publican's license, for the sale of any liquor in any quantity upon specified premises; fee, £50 in Perth or Freemantle, and elsewhere £40.

2. Packet license, for sale to passengers; fee £10.

3. Wine and beer license for colonial produce; fee, £5.

4. Spirit merchant's license authorizes the sale of imported spiritous liquors or wine in not less than two gallons; or any other imported fermented liquor (exceeding 30 per cent. of proof spirit) in quantities not less than eight gallons, in original packages; fee £5.

5. A gallon license authorizes the sale of liquors in less quantities than one gallon, not to be consumed on the premises; fee £10.

(6). A colonial wine license for the sale of liquor, the produce of fruit grown in the colony, in quantities not less than one pint, and not to be consumed on the premises; fee, £2.

(7). Billiard table license, not required by holders of general license, and not covering sale of liquor; fee, £10.

(8). A temporary license authorizes a holder of licenses No. 1, No. 3, or No. 10, to sell at any fair, races, etc., during continuance of such public amusement; fee, £1.

(9). An eating, boarding, or lodging house license for the supplying of boarders and lodgers with liquor obtained from a duly licensed house; fee, £1.

(10). A wayside house license stipulates that the house must be 10 miles from a town site, or in a town not exceeding 50 persons; fee, £10.

Applications for licenses must be made in writing, posted on Court House and premises, and advertised in a newspaper. The licensing court for hearing applications shall be an open court. It shall be composed of the resident magistrate and justices of the peace. Any justice interested in the sale or manufacture of liquor sitting in a licensing court incurs a penalty of £100. No woman may hold a license. In case of the death of a licensee, the widow may obtain a transfer of the license for the residue of the term. Licenses may be transferred upon application; fee, £2. In case of the death or insolvency of a licensee, his administrators, executors or assigns may continue the business for six months. Selling liquor without a license incurs a penalty of £30 for the first offence, and £50 for a subsequent one. Imprisonment, in addition, shall be optional with the court. The license is forfeited should the licensee refuse or hinder the admission of the police. The hours of sale are from 4 a.m. to 10 p.m. from 1st October to 31st March, and from 6 a.m. to 10 p.m. from 1st April to 30th September. Penalty for selling during prohibited hours, not exceeding £50. A permit for extension of hours is obtainable. Sales of liquor on Sunday, Good Friday and Christmas day are prohibited. Conviction for felony, perjury or any infamous offence forfeits the license. Employing an unlicensed person to sell liquor, unless a servant; penalty, not exceeding £50. Upon evidence under oath, warrants to search for liquor intended for illegal sale may be granted. If found, the liquor to be seized, and holder fined up to £50. The Act is very strict in its provisions for the satisfactory maintenance of law and order and the protection of morals.

This Act was re-enacted, with amendments, in 1884 and 1886. The chief feature in the amendments is the increasing of the penalty for supplying a native from £5. to £20

In 1890 Sir Malcolm Fraser, Governor, in a despatch states:

"So far as it is possible to ascertain, I believe the liquor laws here work

fairly well; but I am informed by the commissioner of police 'they are inefficient to prevent Sunday trading and sly grog selling.' The sale of spirituous fermented liquors on Sunday is by law prohibited, except to *bona-fide* travellers and lodgers. I am, however, informed that it cannot be said the closing on Sunday of licensed houses really checks Sunday trading or tends to diminish drunkenness. In this respect the laws may be capable of amendment, though the penalties now inflicted by law, when breaches are discovered, should really be a powerful deterrence."

In 1888 the quantity of spirituous and fermented liquors imported was 256,421 gallons, being 6.08 gallons *per capita* of population. The duty was £52,270, 13s. 3d., being £1. 4s. 10d. *per capita*, or nearly one-seventh of the colonial revenue for the year.

## THE WEST INDIES.

### BAHAMAS.

The capital of the Bahamas is Nassau, which had a population in 1891 of 11,000. The total population of the colony is 47,565.

There were, in 1892, 1,414 summary convictions, and 25 convictions in the superior courts.

The sale of intoxicating liquors in this colony is regulated by law. The principal statute is 38 Vic., cap. 26. This Act prohibits the importation, except under license, as well as places the sale under license. Licenses are of two kinds: 1st., a general license for the sale of all kinds of liquor; 2nd., a special license for the sale of wine, cider and malt liquor. Licenses are granted to approved persons only.

No sale is permitted on Sunday, and on week days from 4. a. m. to 8. p. m only. Any store connected with a place where liquor is sold, or where other goods besides liquor are sold, must be closed entirely during prohibited hours. Supplying or harboring drunken persons, seamen, or policemen on duty is unlawful. Licensees must close their houses while a poll is being held. Selling liquor without a license, if of a spirituous character, is punishable by a fine of £20, and if malt liquor, wine or cider, £10, for a first offence, and imprisonment for each and every subsequent offence in either case. 45 Vic., cap. 2, adopts the principle of local option. The employing of persons under 18 years of age in any place where liquor is sold, the selling to children under 16 years of age, and harbouring or permitting reputed prostitutes are prohibited. The local option principal in this Act was applied in several districts.

47 Vic. cap. 5, exempts from the operation of prohibition under the Local Option Act hotels and boarding houses, the keepers of which can be licensed to supply guests only.

50 Vic. cap. 13. This act extends to the colony the operation of the Imperial Statute prohibiting the carrying of liquor to H. M. ships without the consent of the officer commanding.

### BARBADOES.

The population of this colony is 182,306. The capital is Bridgetown, which, in 1891, had a population of 21,000.

The following figures were reported in regard to crime, etc., in 1892:—

| | |
|---|---|
| Summary convictions | 9,193 |
| Convictions in supreme court | 98 |
| In jail, December, 1892, | 308 |

Spent in out-door relief £39,917.

There are 23 rum distilleries in Barbadoes.

Several Acts to regulate the sale of intoxicating liquors have been passed in this colony. The chief are:—

"An Act to regulate the Sale of Liquors by Retail, 1876."

"An Act to Amend an Act to Regulate the Sale of Liquors by retail, 1876, 1885."

"An Act to Consolidate and Amend the Law of the Island Relating to the Distillation of Rum, and the Payment of Duty thereon, 1887."

"An Act to further Amend the Liquor License Act, 1876, 1887."

Under these Acts a licensed retailer may sell or barter liquors in any quantity less than 30 gallons, four dozen reputed quarts, or seven dozen imperial pint bottles, and wine in less quantities than a quarter cask, or in imported cases of less than one dozen quart or two dozen pint bottles.

Retail licenses vary from £10 to £30, according to the trade rating. Liquor must be sold in a shop, and not on the same premises as contain a distillery. Licensees must be "sober, discreet, and fit to be trusted" as retailers of spirits. A licensee allowing his premises to be a resort of prostitutes, gamblers, dissolute, disorderly, or idle persons forfeits his license. For selling without a license the penalty is double the amount of the license fee, or imprisonment from three to twelve months. Licensed hours for sale are, week days from 6 a.m. to 9 p.m., and till 10 p.m. on Saturdays. Sunday selling is prohibited. Liquor may be sold in any quantity for consumption off the premises. In 1887 the licenses issued were 469, viz.:—

| | |
|---|---|
| 11 at | £30 |
| 6 at | 15 |
| 452 at | 10 |

Twenty-nine licenses for the distillation of rum were issued. 355,207 gallons of proof rum were distilled, and 343,755 gallons sold.

## BERMUDA.

The capital of Bermuda is Hamilton; population (1892), 1,296. The total population of the colony is 15,290. In 1892 there were 189 summary convictions, and 14 convictions in superior courts.

The liquor traffic is under license. The general license law was passed in 1880. It prohibits all Sunday selling, legalizes the transfer of licenses, besides providing for grocers' licenses for the sale of wine and beer in bottles. It also compels licensees to give sureties for the payment of fines.

## LEEWARD ISLANDS.

This colony includes five presidencies, viz.:—

| | |
|---|---|
| 1. Antigua, Barbuda and Redonda, population | 36,819 |
| 2. Virgin Islands | 4,639 |
| 3. Dominica | 26,841 |
| 4. St. Kitts, Nevis and Anguilla | 47,662 |
| 5. Montserrat | 11,762 |
| Total population, 1891 | 127,723 |

Antigua is the seat of Government, but each presidency made its own laws until 1888.

Throughout the colony the liquor traffic is under license. In Antigua, St. Kitts, Nevis and Montserrat application for a license must be made to the magistrates. In Dominica and the Virgin Islands anyone can obtain a license on payment of the fee. There are no special restrictions in any part of the colony regarding the sale to natives. Selling on Sunday is prohibited throughout the entire Islands. Licensees must close their premises in Antigua at 6 p.m., in Montserrat at 7 p.m., St. Kitts, Nevis and Dominica at 9 p.m.; in the Virgin Islands there is no hour fixed This early closing, it is said, tends to prevent drunkenness and street brawls. Stringent prohibition exists against payment for wages or work being made in liquor.

## TRINIDAD.

The capital of Trinidad is Port of Spain, which had, in 1891, a population of 34,037. The entire population of the island is 218,381. In 1892 there were 395 summary convictions, and six convictions in the supreme courts.

A system of liquor license is in force in this colony, licenses being divided into two classes, 1st, manufacturers', and 2nd, dealers'.

Manufacturers' licenses are of two kinds. (1.) A still license authorizes the licensee to distill rum or other spirits. No revenue accrues from this license. The licensee is subject to excise supervision, prohibited from being directly or indirectly interested in the retail trade, and may sell not less than 80 gallons, subject to excise regulations and duty. He has to provide two sureties in £200 to observe the law. (2.) A certificate for the manufacture of compounds. Compounds are cordials, etc., of which rum, or any other spirit, is an ingredient. The licensee pays no fee, but is subject to excise supervision, and the cordials pay the same excise duties as rum.

Dealers' licenses are of five kinds. (1.) License to sell spirituous liquors by retail, granted by the magistrates. This license may be for a term of three to twelve months, and authorizes the holder to sell liquor for consumption on or off the premises specified. Fee, £30 to £200 per annum, and proportionately, according to duration. (2.) License to sell for consumption off the premises, in quantities of not less than 1 reputed quart; fee, £25. Premises must be entered as licensed. (3.) Hotel license granted only in Port of Spain and San Fernando. The house must be of £300 value, and no portion used as an ordinary public-house for the sale and consumption of liquor. Fee for one year, £50; for nine months, £40; for six months, £25; for three months, £15. (4.) Occasional retail license for sale of liquors by retail for twelve hours, place to be named in license. Fee, 20s., unless to a licensee under one of the previous clauses, when it is 10s. (5.) License to sell wine, malt liquor or cider for consumption on the premises. Fee, £2.

## WINDWARD ISLANDS.

The Windward Islands consist of Grenada, the Grenadines, St. Vincent and St. Lucia. The population in 1891 was as follows:—

| | |
|---|---|
| Grenada | 55,333 |
| The Grenadines | 6,000 |
| St. Vincent | 41,054 |
| St. Lucia | 43,310 |
| | 145,697 |

The liquor traffic is under license in each island. In St. Vincent selling is prohibited on Sunday, Good Friday and Christmas Day, and also to children under 15 years of age. No special restriction is made in regard to selling to natives. A licensee may eject any one drunken, violent, quarrelsome or disorderly. Selling to any drunken person is prohibited.

## JAMAICA.

No information has been obtained beyond the fact that there is no restriction on sales to natives.

## GREAT BRITAIN.

In Great Britain, although the liquor question has for many years past engaged much public attention, and the efforts of the various temperance organizations have been both numerous and energetic, legislation has been confined to the licensing and regulating of the business, such as the hours of selling, Sunday closing of houses of public entertainment, and kindred matters.

Various proposals have been embodied in bills brought before the present Parliament, none of which have been passed into law. An abstract of these bills will be found further on in this report.

The present Imperial Government is pledged to press for the enactment of a measure which will confer local control of the traffic upon the "local Government" electors.

### BRIEF REVIEW OF ENGLISH STATUTES AND RETURNS.

To trace the ever varying course of public opinion in Great Britain regarding the liquor traffic would be too voluminous a work for the Commission to undertake, but a glance at the various acts and parliamentary returns since 1872 may be of some use and interest. The first statute in order is:

### THE LICENSING ACT OF 1872.

35 and 36 Vic., ch. 94. This Act did not extend to Scotland. Its chief features are as follows:—

1st. The prohibition of sale without license, under heavy penalties, namely, fines as high as £100 and imprisonment for six months or less.

2nd. The prohibition of sale to children under sixteen.

3rd. The infliction of a penalty for being found drunk.

4th. The prohibition of gaming on the licensed premises.

5th. The prohibition of adulteration.

6th. The fixing of hours for closing. On Sundays, Christmas Day and Good Friday the closing hours are up to one o'clock in the afternoon and between three and six p. m., and after eleven o'clock at night, subject to certain exemptions, by law or by local authorities, in respect of certain trades.

7th. The right of constables, etc., to enter and search premises.

8th. The keeping of registers of licenses.

9th. The appointment annually of county licensing committees by the jusstice in quarter sessions.

10th. Conditions of valuation, legal proceedings, etc.

11th. Saving clauses, exempting from the Act the sale of spruce and black beer the sale of intoxicating liquor by proprietors of theatres and on packet boats, etc.,

This Act was amended by 37 & 38 Vic., ch. 49 and ch. 69, but the amendments involved no question of principle, the principle changes being in the hours of closing. It also contained, however, an important clause allowing liquor to be sold at any time to *bonâ fide* travellers; and in order to constitute a person a *bonâ fide* traveller, the place where he lodged during the preceding night should be at least three miles distant from the place where he demands to be supplied with liquor.

A glance at the statistics showing how these acts were applied may be useful.

### ENGLAND AND WALES.

The number of licensed houses for consumption on the premises for every 1,000 of the population in each city, municipal borough, and petty sessional divisions, in England and Wales, is shown by a return dated 18th March, 1890. Middlesex

County shows the smallest average, 2.2 per 1,000, and Huntingdon the largest, 8·4 per 1,000. Among the cities, the following averages are shown:

| | | |
|---|---|---|
| London | 11.7 | per 1,000 |
| Birmingham | 4.2 | " " |
| Bristol | 4.6 | " " |
| Hull | 3.2 | " " |
| Leeds | 2.6 | " " |
| Liverpool | 3.7 | " " |
| Manchester | 6.2 | " " |
| Newcastle upon Tyne | 4.2 | " " |
| Nottingham | 3.5 | " " |
| Portsmouth | 6.5 | " " |
| Sheffield | 4.4 | " " |

## IRELAND.

A return dated 11th November, 1890, shows how the licensing act was applied in Ireland. Licenses were given as follows:

| | Population. | |
|---|---|---|
| Belfast | 208,122 | 5.3 per 1,000 |
| Dublin | 249,602 | 6.2 " " |
| Cork | 80,124 | 7.3 " " |
| Dublin Metropolitan Police District, exclusive of City of Dublin | 100,046 | 3.9 " " |
| Galway | 19,171 | 7.3 " " |
| Kilkenny | 12,299 | 9.7 " " |
| Limerick | 38,562 | 6.7 " " |
| Londonderry | 29,162 | 8.1 " " |
| Drogheda | 12,297 | 8.1 " " |
| Sligor | 10,808 | 8.6 " " |
| Clonmel | 9,325 | 12.1 " " |
| Waterford | 22,457 | 10.3 " " |
| Wexford | 12,163 | 7.3 " " |

## LICENSED PREMISES (SCOTLAND).

A very voluminous return of particulars, with abstract added, relating to premises licensed for the sale of intoxicating liquors in the burghs (Glasgow excepted) and counties of Scotland, was brought down on the 31st July, 1891:

Among the averages were the following:

| | | | |
|---|---|---|---|
| Dundee | Population | 140,063; | 3.1 licenses per 1,000 |
| Edinburgh | " | 228,357; | 3.3 " " " |
| Greenock | " | 65,883; | 2.8 " " " |
| Leith | " | 58,196; | 5.2 " " " |
| Paisley | " | 55,621; | 3.5 " " " |

## HOURS OF CLOSING (SCOTLAND).

A comparative statement dated 10th July, 1891, shows the hour of closing of licensed premises prescribed in each burgh and county in Scotland, in which such hour is earlier than 11 p.m., and the date of the adoption of such earlier hour; (2) in the case of each burgh and county in which an earlier hour than 11 p.m. has been prescribed, the number of arrests for drunkenness in the twelve months immediately succeeding the adoption of such earlier hours and the number of such arrests in each twelve months since completed in each such burgh and county, etc.

We need give only the general results from closing at 10 p.m.:

| Twelve months immediately preceding. | Twelve months immediately succeeding. | Each twelve months since completed. 1889-90. | 1890-91. |
|---|---|---|---|
| 5,112. | 5,358. | 5,456. | 5,627. |

SUNDAY CLOSING ACTS.

In 1878, an Act was passed, 41 & 42 Vic. cap. 72, prohibiting the sale of intoxicating liquor on Sunday in Ireland, except in the cities of Dublin, Cork, Limerick, Waterford and Belfast.

In 1881, the Sunday Closing (Wales) Act was passed, 44 & 45 Vic. cap. 61, prohibiting the sale during the whole of Sunday.

A select committee which was appointed in 1888 to enquire into the operation of the Sunday Closing Acts (Ireland) reported after an exhaustive enquiry as follows:—

1st. That the Act of 1878 should be made perpetual, and extended to the five cities now exempted from the full operation of the Act.

2nd. That the qualifying distance under the *bona-fide* provision should be extended to six miles. (This refers to sales to *bona-fide* travellers, a *bona-fide* traveller being one from at least three miles' distance.)

3rd. That all houses for the sale of intoxicating liquors in Ireland should be closed at 9 p.m. Saturdays.

A Royal Commission was appointed in 1889 to enquire into the operation of the Sunday Closing (Wales) Act, 1881. This commission reported in 1890. The facts given in evidence in favour of the Act, the commissioners embrace under three headings:—

1st. Improved order in the streets and roads on Sunday. The Commissioners were satisfied that in the urban districts, the enforcement of the act has resulted, generally speaking, in a considerable improvement, so far at any rate as the chief thoroughfares of populous places were concerned, but found that in many instances this improvement had been gained at the expense of outlying and suburban districts. This was due to working men taking advantage of the *bona-fide* travellers clause to go to these districts and drink on Sundays.

2nd. Increased regularity at work

The commissioners found that on the whole, the good effect of the act in this direction was substantially established, although it had to some extent and in some places been neutralized by the transfer of irregularity to other days in the week.

3rd. Improved condition of the people.

Under this heading, the commissioners say: "This improvement began, however, before 1881, and is not confined to Wales. In our opinion, it is due to a variety of causes, among other things, in no small degree to increased activity on the part of the churches and temperance societies. We agree, however, that it may be fairly claimed in the case of some individuals that the enforced abstention from intoxicating drinks in one day of the week, and that the day of greatest temptation has been a powerful factor in their moral and social improvement."

The commissioners sum up the objections to the act under three heads:—

1st. Unwarrantable interference with the legitimate liberty of the minority.

This they hold to be a question to be decided by Parliament.

2nd. Alleged disrespect for law. On this point they say: "Speaking generally, it may be said that over a large part of the country, especially in the rural districts and in nearly the whole of North Wales, the present law is in harmony with the sentiments and feelings of an overwhelming majority of the population. * * * * * * It cannot be denied, however, that in certain other parts of the principality, where these sentiments and feelings do not exist, and where there is habitually violation and evasion of the act, those who do violate and evade it do not consider that in so doing they are guilty of any moral offence, but look upon themselves as only endeavouring to get rid of restrictions which they deem oppressive."

3rd. Increased abuse of the act by travellers.

The commissioners recommend that the three mile limit in the Act be repealed and suggest the following definition of a traveller: "No person shall be deemed to be within the exception relating to travellers unless he proves that he was actually engaged in travelling for some purpose other than that of obtaining intoxicating liquor, and that he has not remained on the licensed premises longer than was reasonably required for the transaction of his necessary business, or for the purpose of necessary rest, refreshment, or shelter from the weather."

The commissioners dismissed as impracticable the proposal to close public houses absolutely and for all purposes the whole of Sunday, and were also opposed to any modification of the act by permitting the opening of public houses for a shorter time on Sunday.

With regard to clubs, they failed to suggest any definition of what constitutes a club for disciplinary regulations, but were strongly of opinion that associations existing only for the purpose of supplying intoxicating drinks to the members, or only colourably for some other purpose, should be declared absolutely illegal.

Shebeens, they said, should be subject to entry and search, on a magistrate's warrant, and all persons in the building arrested.

## OTHER STATUTES.

In 1880, there was an amendment made to the Wine and Beer-house Act of 1869. This amendment gave to justices certain discretion as to the granting or refusing of certificates for beer dealers retail licenses.

In that year was also passed the Spirits' Act, 43 and 44 Vic., ch. 24, consolidating and amending the law relating to the manufacture and sale of spirits. This Act prohibited distilling or brewing without license and made regulations to govern the manufacture and warehousing of the liquors and the mode of carrying on the business.

Chap. 34, 45 & 46 Vic., 1882, extended the discretion of licensing justices under the "Beer dealer's retail license Act of 1880."

A return relating to brewer's Licenses, shows that from 1st October, 1888 to 1st October 1889, the total export of beer from the United Kingdom amounted to 478,383 barrels, value £1,798,876, of which 7,346 barrels, value £28,358 went to British North America.

The sale to children under thirteen for consumption on the premises was prohibited in 1886, 49 and 50 Vic. ch. 56, but the Act did not extend to Scotland.

In May, 1892, a Departmental Committee was appointed by Mr. Secretary Matthews to "inquire into the best mode of dealing with habitual drunkards," because of, as the Commission sets forth, "great differences of opinion having arisen as to what kind and degree of punishment for offences committed by habitual drunkards would be most effectual both as a deterrent and to the view to the reformation of such offenders."

The Committee, of whom Mr. John Lloyd Wharton, M.P., was chairman, reported in 1893 (the report forming the Imperial Blue Book C 7008), and stated that they found their enquiry naturally divided itself into two branches.

"1. The cases of drunkenness to which the provisions of the Inebriates Act of 1879 and 1888 were directed and under which habitual drunkards who voluntarily (under section 10 of the Act, 1879), make an application for admission, are detained in retreats.

"2. Habitual drunkards who come within the action of the criminal law and are apprehended for and charged with drunkenness whether accompanied by violence or not."

The report advocates the preservation of the distinction between paying patients in retreats and those treated as criminals. They found in 1891 that there were seven retreats under Government inspection, and only 62 patients legally amenable to the discipline of the retreat. The Commissioners were informed that a considerable per centage of cures has been effected by the treatment and discipline of these retreats, but think considerable enlargement and improvement necessary.

The evidence before them attributes the comparative failure of the existing acts to:—

(I.) The want of sufficient notoriety of their existence even among magistrates themselves.

(II.) The want of proper facilities for the admission of patients.

(III.) The want of a power of compulsion where a confirmed inebriate cannot be brought to enter a retreat voluntarily.

(IV.) The inefficiency of the maximum period of detention (12 months) and and the obstacles in the way of re-admission.

(V.) The difficulty of recovering patients who have escaped from the retreats, and the want of efficient means of dealing with refractory patients.

They believe all these difficulties may be removed or greatly diminished.

After reviewing the evidence on these points in order, the committee in regard to the first branch of the enquiry:—viz. cases of drunkenness to which the provisions of the Inebriates Acts of 1879 and 1888 were directed, recommend.

(1.) That the Secretary of State be empowered to make rules and regulations for the admission of patients.

(2.) "That the establishment of retreats should be encouraged for those who cannot provide the whole of the funds necessary for their maintenance, the residue being supplied by voluntary contributions, and if thought desirable, by aid from the public rates, and that with regard to such retreats the Secretary of State should be empowered to make regulations by which a certain amount of work suited to each particular case should be enforced."

(3.) "That the maximum period for which a patient may be confined in a retreat should be extended to two years."

(4.) "That power should be given for the compulsory committal to a retreat of persons coming within the definition of an habitual drunkard, as laid down in the Act of 1879, on the application of their relations or friends, or other persons interested in their welfare, such application to be made to any judge of the high court, county court judge, stipendiary magistrate, or justice, sitting in quarter or petty session, who shall decide on the propriety of the application."

(5.) "That the property of the person committed should be liable for his maintenance, and that the order for committal should provide, when necessary, for the appointment of a trustee of the patients estate during the period of committal, with power to apply the same to the support of his wife or family."

(6.) Recommends that rules as above and provisions for inspection be made by the Secretary of State, with the concurrence of the Lord Chancellor.

(7.) Recommends the provision of proper rules for release, retaking, and, when necessary, the enforcement of discipline.

(8.) Recommends right of appeal to a divisional court.

The remainder of the recommendations deal with the second branch of the enquiry.

(9.) Recommends increased powers of arrests to the police under the intoxicating liquors (Ireland) Act, 1874.

(10.) That increased powers be given magistrates under the Act.

(11.) That reformatory institutions for habitual drunkards be abolished.

(12.) Recommends the temporary utilizing the existing accommodation in prisons, lunatic asylums, or poor-houses.

(13.) The magistrates have power to commit habitual drunkards under certain specified conditions.

A return printed by order of the House of Commons, 1st August, 1891, supplies the following information in regard to licensed premises in Scotland, exclusive of the city of Glasgow.

The return gives the names of the owners and occupiers of each of the places. It may be mentioned that it is noted on the face of the return that there were 16 houses for which no rent was shown.

| | Population. | No. of Licenses per 1,000 of Population. | Number of Licenses. | | | |
|---|---|---|---|---|---|---|
| | | | Grocer. | Public house. | Hotel | Total. |
| Counties | 2,082,172 | 2·3 | 1,699 | 2,208 | 1,043 | 4,950 |
| Burghs | 1,212,624 | 4·1 | 2,270 | 2,355 | 455 | 5,080 |

| | Annual Rental of | | | Total. |
|---|---|---|---|---|
| | Grocers' Premises. | Public Houses. | Hotels. | |
| | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| Counties | 46,202 13 6 | 71,410 5 8 | 62,555 3 0 | 180,168 2 2 |
| Burghs | 88,041 13 0 | 115,702 11 6 | 82,285 16 0 | 286,030 0 6 |

Another return laid before the House of Commons gave the following facts in regard to the quantity of materials used in making of beer, and the amount of license duty paid by brewers, and the amount of beer duty charged for the years between the 1st October, 1888, and the 30th September, 1889, in the United Kingdom. Malt and corn used, 54,502,316 bushels ; sugar, including the equivalent of syrups, 1,811,626 cwt. 3 qrs. 23 lbs.

| | Amount of | | Total. |
|---|---|---|---|
| | License duty paid. | Beer duty charged. | |
| | £ s. d. | £ s. d. | £ s. d. |
| Brewers of beer for sale | 11,988 0 0 | 9,311,182 19 0 | 9,323,170 19 0 |
| Other brewers, chargeable with duty | 1,310 6 0 | 24,468 13 4 | 25,778 19 4 |
| " " not chargeable with duty | 5,479 13 0 | ..... | 5,479 13 0 |
| Total | 18,777 19 0 | 9,335,651 12 4 | 9,354,429 11 4 |

## PROPOSED LEGISLATION.

Three measures were submitted to the House of Commons in 1893, none of which became law. The first proposed the establishment of licensing boards and the remodelling and simplifying of the license system, the second recognized the principle of local option or control, and the third proposed the establishment of authorized companies which alone would have the right to sell intoxicating liquor.

### LICENSING BOARDS, &C.

This bill was prepared and introduced in 1893 by Mr. Bolitho, Mr. Courtney, Sir Mark Stewart, Sir Thomas Lea, Mr. David Brymnor-Jones and Mr. Little. Its chief provisions are as follows:—

1st. The establishment of licensing boards, one for every licensing district. Such boards to consist of from seven to twelve elected members and not exceeding half that number ex-officio members appointed by the licensing justices of the district out of their number. Every three years the entire board must be renewed.

These boards replace the licensing justices and their decisions are subject to the same right of appeal.

2nd. New forms of licenses, viz.:—

1st. For consumption on the premises (hereinafter called on-licenses).

2nd. For consumption off the premises (hereinafter called off-licenses).

These licenses give the same rights, and entail the same obligations as the corresponding licenses previously granted by the licensing justices.

3rd. Local veto. Any ten ratepayers in any borough, ward or parish, may make a requisition to the mayor or the parish overseers to take a poll for or against the adoption of a resolution prohibiting the grant of on-licenses and off-licenses. No further poll shall be taken for at least three years, but after the three years a poll may be had either for or against the adoption or rescission of such resolution, provided it is demanded by at least one-tenth of all ratepayers.

The sale of methylated spirits for use in the arts or manufactures, under any statute permitting such sale, is not affected by this Act, and intoxicating liquors for medicinal purposes may still be sold under such conditions as the licensing board may direct.

4th. Regulation of number of licenses where no prohibiting resolution is in force. The number is restricted according to population. When, to reduce the number to the proportion allowed, the board refuses to renew a license, the value of that license must be paid to its holder by the council of the county out of the rate to be levied for that purpose on licensed premises. The value is the difference between what the premises are worth as licensed and as unlicensed premises. If not settled by agreement, recourse must be had to arbitration. The sum due is payable by means of an annuity for ten years. Should a prohibitory resolution come into force in the meantime, the annuity at once ceases.

5th. Special licenses for railway and hotels for the accommodation of travellers.

6th. *Bona fide* clubs used only for social purposes, and the entrance fee to which is at least £1, may be entered in a register kept by the licensing board, and thusbe dispensed from a license. Undue drinking will be a cause for removal of the club from the register. The club may appeal to the county council.

7th. Sunday closing and limiting hours of closing. The licensing board may insert a condition in new licenses or in renewals or transfers, fixing the hours of closing on week days and prohibiting the opening on Sundays.

The remainder of the bill deals with matters of proceedure.

### LOCAL CONTROL BILL.

*(Government Measure.)*

Prepared and introduced in 1893 by Mr. Chancellor of the Exchequer, Mr. Secretary Asquith, Sir George Trevelyan, Sir John Hibbert and Mr. Burt.

Its chief provisions are as follows:—

1st. On a requisition from one tenth of the local government electors in any borough, ward, parish or sanitary district, to the borough council, sanitary authority or parish overseers, a poll shall be taken to decide whether the grant or renewal of licenses within such area shall be prohibited.

2nd. If two-thirds of the vote cast be in the affirmative, no license shall be granted or renewed, subject to the usual exceptions.

3rd. No further poll shall be taken for three years.

4th. On a requisition from one-tenth of the local government electors, a poll may be had, after the three years have expired, on the question of abolishing the total closing, and if two-thirds of the votes cast be in favour of the abolition, it shall take effect.

5th. The question of Sunday closing shall be decided in a similar manner, except that a bare majority of the votes cast is all that is required either to close or to re-open.

6th. By "local government electors" is meant those registered in the Local Government Register within the area for which a poll is taken.

7th. This Act not to apply to:—

Refreshment rooms at railway stations for the use of travellers;

Hotels, for the accommodation of travellers or lodgers therein;

Eating house, for persons taking meals in the premises.

8th. This Act not to extend to Ireland.

SALE BY AUTHORIZED COMPANIES.

A bill for establishing a system of retail sale of intoxicating liquor by authorized companies was prepared by the Lord Bishop of Chester in 1893. This system was subject to local option, and the main provisions of the bill are as follows:—

1st. Any ten voters in the district may submit to the local government board for approval any company, and that company, if approved, shall be an authorized company.

2nd. No new license shall then be granted in that district except to the authorized company, nor shall any other licenses be renewed.

3rd. The company may require surrender of any license or the license holder may require the company to accept his surrender.

4th. The value of any license surrendered must be paid by the company.

5th. The value is arrived at by agreement or arbitration. It consists in the difference between what the premises are worth, licensed and unlicensed.

6th. The proportion of licenses to population is fixed at:—

In urban districts, one to every thousand.

In rural districts, one to every six hundred.

7th. An authorised company may be: incorporated as a limited company; incorporated by Royal Charter; or incorporated by Special Act. It must be approved by the Local Government Board.

8th. The capital must be sufficient, in the opinion of the Board, to carry out the objects of the company.

9th. The local authority of the district shall have power to nominate at least one-third of the directors.

10th. No director shall be interested in the production of any intoxicating liquor.

11th. Any profit over five per cent shall be paid to the local authority of the district and applied to public or charitable objects. The company may, however, retain one-third of the surplus profits to form a reserve fund.

12th. Railway refreshment rooms and hotels are, as regards travellers, not subject to this Act. Neither are *bona fide* clubs for social purposes. Such clubs must be registered by the licensing authority.

13th. Any ten qualified voters in a district may require the local authority to hold a ballot on the question of adopting the system of authorised companies, and a majority of the votes cast shall decide. No further ballot shall be held for three years.

14th. The High Court, on the petition of any ten qualified voters in a district and on proof, under such petition, may make an order declaring that the Act shall cease to operate.

15th. The Act not to extend to Scotland or Ireland.

16th. The penal and other provisions of Acts relating to the sale of intoxicating liquor shall apply to authorised companies.

## THE LIQUOR LAWS AND THE LIQUOR TRAFFIC OF THE UNITED STATES.

The legislation of the United States upon the liquor traffic is very varied in its character. It is the only country in which it has been attempted to prohibit the liquor traffic, if one or two of the British colonies, in which there have been attempts at partial prohibition, are excepted. That country supplies, it may almost be said, the only experience of prohibitory laws on a scale which deserves to be considered as a test of the efficiency of the system to satisfactorily regulate the use of intoxicants. The entire prevention of their use as beverages it has not in any case accomplished.

What has been done in the United States has been by state legislation, as the traffic is, under the Federal constitution, controlled by each of the separate states within its own boundary.

In so far as it is, or may become, an interstate or foreign traffic, it is subject to the Federal power. A citizen residing in a state where a prohibitory law exists cannot, by the laws of that state, be prevented from purchasing liquor in some other state, or in a foreign country where it is not illegal to make sales, and having it transported into his own state for his personal use. This statement of a well-known fact is sufficient to show that actual total legal prohibition of the traffic cannot exist in any single State of the Union until a change has been made in the Federal constitution, or all the States have adopted prohibition.

A letter was addressed to the Governors of the various States of the Union, which, together with the answers received thereto, and, in some instances, other information supplied, are printed in Appendix No. 76.

The following shows the character of the existing laws of the States from which the Commissioners have received replies to their communications:—

Prohibition:—Alaska (Territory), Iowa (this State in 1894 passed a law to tax the traffic and providing for local option), Kansas, Maine, New Hampshire, North Dakota, South Dakota and Vermont.

High License:—District of Columbia, Idaho and Indiana.

High License and Local Option:—Illinois, Massachusetts, Minnesota and Nebraska.

License and Local Option:—Arkansas, California, Colorado, Florida, Georgia, Kentucky, Maryland, Michigan, Mississippi, Montana, Texas, Virginia and Washington.

License:—Connecticut, Delaware, Nevada, Rhode Island and West Virginia.

Local Option and Dispensiary Law:—South Carolina.

Tax and Local Option:—Ohio.

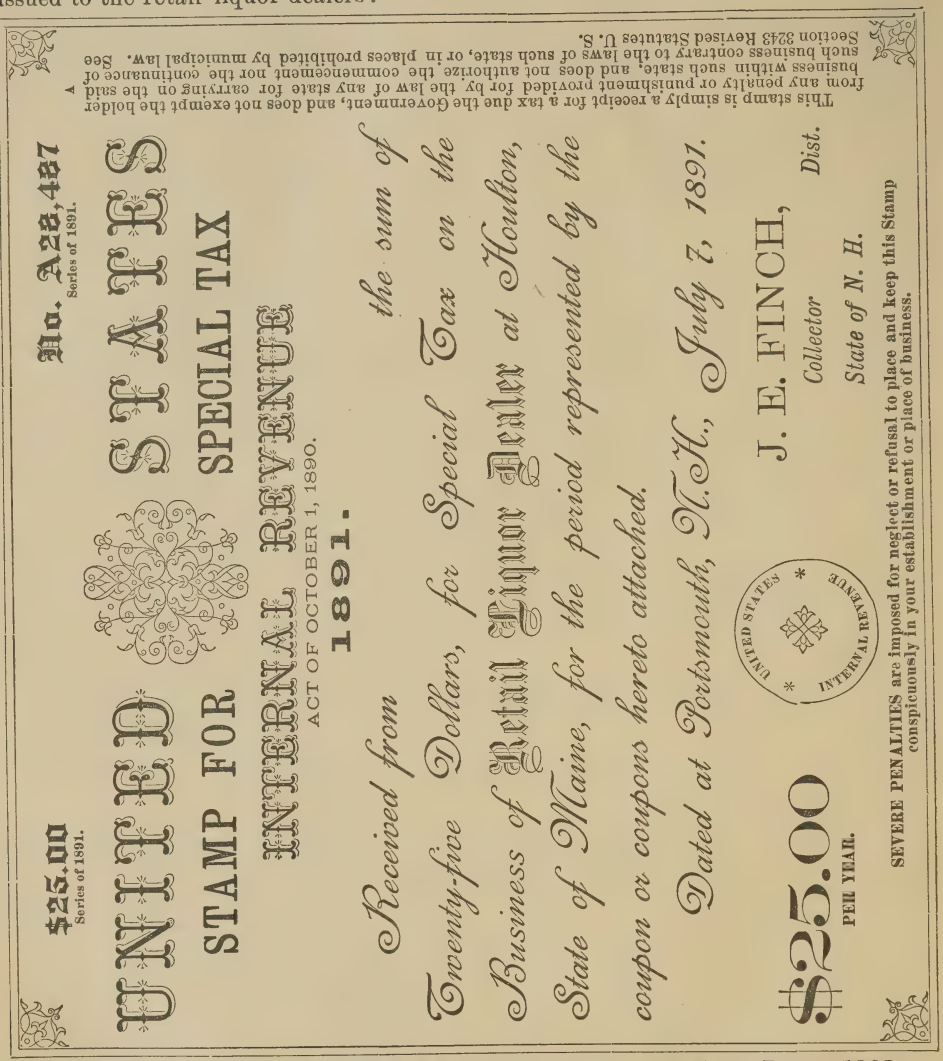
From the following named States no information has been received. The laws in force therein are understood to be those indicated opposite each:—

| | |
|---|---|
| Alabama | License (in 1889). |
| Louisiana | License and Local Option. |
| Missouri | License and Local Option. |
| New Jersey | License and Local Option. |
| New Mexico | License and Local Option. |
| New York | License. |
| North Carolina | License and Local Option. |
| Oregon | License and Local Option. |
| Pennsylvania | License, with special local prohibitory laws. |
| Tennessee | License, with restricted areas. |
| Wisconsin | License and Local Option. |

It was impracticable, even if it had been considered necessary, for the Commissioners to visit each separate State of the Union to make personal enquiries on the ground. Several states in which the liquor traffic has been more prominently before the people, and where measures have been resorted to to prohibit it, were visited, investigation made and evidence taken, which evidence forms a portion of

this report. The position of the traffic, and the results of the laws which have been enacted in some of the States, will be more fully referred to hereafter.

Under the internal revenue law of the United States the Federal Government collects what is called a special tax from the vendors and manufacturers of intoxicating liquors throughout the Union. The following is a copy of the document issued to the retail liquor dealers :—



$25.00 Series of 1891.

UNITED STATES

No. A28,487 Series of 1891.

STAMP FOR SPECIAL TAX

INTERNAL REVENUE

ACT OF OCTOBER 1, 1890.

1891.

*Received from* *the sum of*

*Twenty-five Dollars, for Special Tax on the Business of Retail Liquor Dealer at Houlton, State of Maine, for the period represented by the coupon or coupons hereto attached.*

*Dated at Portsmouth, N.H., July 7, 1891.*

J. E. FINCH, *Collector* *Dist.*

*State of N. H.*

UNITED STATES INTERNAL REVENUE

$25.00 PER YEAR.

SEVERE PENALTIES are imposed for neglect or refusal to place and keep this Stamp conspicuously in your establishment or place of business.

This stamp is simply a receipt for a tax due the Government, and does not exempt the holder from any penalty or punishment provided for by the law of any state for carrying on the said business within such state, and does not authorize the commencement nor the continuance of such business contrary to the laws of such state, or in places prohibited by municipal law. See Section 3243 Revised Statutes U. S.

**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for June, 1892.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for May, 1892.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for April, 1892.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for March, 1892.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Feb., 1892.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Jan., 1892.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Dec., 1891.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Nov., 1891.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Oct., 1891.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Sept., 1891.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Aug., 1891.**
**Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for July, 1891.**

The following is a summary of the portion of the law relating to the special tax. It appears in the Revised Statutes of the United States:—

"No person shall be engaged in or carry on any trade or business hereinafter mentioned until he has paid the special tax in the way prescribed. Name and residence of owner or owners of such business, or address of place of business, to be registered. The payment of one special tax does not exclude from payment of additional special taxes, but storage on manufactories do not need additional tax. Each trade requires additional tax. Special taxes are due 1st July, or from commencement of business. All special taxes to be paid in stamps. Stamps for special taxes to be conspicuously displayed on place of business; if not, penalty of double tax fee and costs, with minimum of $10; if through wilful neglect or refusal, penalty is doubled. Collector of Inland Revenue is to keep list of payers of special taxes, with particulars, for public reference. If holder of special tax dies, executors or heirs may carry on business to end of term, or if holder remove his place of business—in either case Collector to be notified. The carrying on business as rectifier, wholesale or retail liquor dealers, wholesale or retail dealers in malt liquor, or mannfacturer of stills, without paying special tax, or running distillery without having given bonds, or distilling with intent to defraud the United States of tax on all or part of goods distilled, subjects the offender to a penalty for every offence of $100 to $5,000 and imprisonment from thirty days to three years.

"And all distilled spirits or wines, and all stills or other apparatus fit or intended to be used for the distillation or rectifying of spirits, for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or rectifying establishment, or in any building, room, yard or inclosures connected therewith and used with or constituting part of the premises, and all the right, title and interest of such person in the lot or tract or land on which such distillery is situated, and all right, title and interest therein of every person who knowingly has suffered or permitted the business of a distillery to be there carried on, or has connived at the same, and all personal property owned by or in possession of any person who has permitted or suffered any building, yard or enclosure or any part thereof to be used for purposes of ingress or egress to or from any such distillery which shall be found in any building, yard or enclosure, and all the right, title and interest of every person in any premises used for ingress or egress to or from such distillery who has knowingly suffered or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States."

Brewers pay $100, unless they make less than 500 barrels annually, when the tax is $50.

Manufacturers of stills pay $50 tax, and $20 for each still or worm.

Rectifiers pay $200; if of less than 500 barrels of 40 gallons, tax is $100. This applies to spirits made by any process and to making imitations.

Retail liquor dealers, if less than 5 gallons, $25.

Wholesale liquor dealers, $100.

Exempt, distilleries do not pay this wholesale tax if selling at distillery in unbroken packages.

| | |
|---|---|
| Retailers of malt liquor | $20 |
| Wholesale malt liquor | 50 |

Exempt, brewers do not pay this tax if selling at brewery in unbroken packages.

The Commissioners of Inland Revenue may issue special tax papers to retailers on cars and steamers. If special tax has been paid on still, to be refunded if still is exported. Distillers may manufacture wooden still for their own use, but must give notice of every one. If a special tax has been paid by a distiller, it is to be refunded. Special tax is not to be levied on vinters selling wine of their own growth at manufactory, if they have only one sale's office; nor by an apothecary using wine or spirits for medicinal purposes.

Section 3,243 of the Revised Statutes of the United States further provided that:—

"The payment of any tax imposed by internal revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or

punishment provided by the laws of any state for carrying on the same within such state, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such state or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any state from placing a duty or tax on the same trade or business, for state or other purposes."

Through the kindness of Hon. John W. Mason, Commissioner of Internal Revenue, the commissioners were supplied with a statement of the special tax certificates issued in the fourteen months ended 30th June, 1891. From this information a statement has been prepared (appendix No. 77) showing the number of certificates issued in each State, the number of the population according to the last census, and the number of certificates per thousand of the population.

A similar statement for the year ended June 30, 1892, is also shown in appendix No. 78. Adding, say, two per cent pear annum to the population of 1890 to get at the population of 1892, makes a total of 65,150,000, which, divided by the total number of special tax papers of all kinds issued, gives one for every 275 of the population of the United States.

The revenue derived by the United States Government from this special tax on dealers in, and manufacturers of, liquors, was for the four years ended June 30, 1893, as under;—

(Report of the Commissioner of Internal Revenue, 1891 & 1893.)

| | 1890. | 1891. | 1892. | 1893. |
|---|---|---|---|---|
| | $ | $ | $ | $ |
| Retail liquor dealers | 4,534,175 | 3,234,155 | 5,080,177 | 4,867,324 |
| Wholesale liquor dealers | 421,739 | 303,590 | 468,793 | 425,339 |
| Retail malt dealers | 147,673 | 108,513 | 184,161 | 174,043 |
| Wholesale malt dealers | 193,155 | 145,131 | 247,914 | 243,530 |
| Brewers malt dealers | 172,908 | 119,158 | 173,880 | 168,667 |
| Rectifiers dealers | 184,700 | 164,005 | 208,316 | 182,409 |
| | 5,654,350 | 4,074,552 | 6,363,241 | 6,061,312 |

The total of those manufacturing, and of those dealing in liquors in the United States, was for

*Year ending April* 30.

| | | | |
|---|---|---|---|
| 1877 | 173,113 | | 1886 209,254 |
| 1878 | 175,421 | | 1887 208,014 |
| 1879 | 174,530 | | 1888 187,177 |
| 1880 | 183,322 | | 1889 207,769 |
| 1881 | 189,140 | | 1890 208,555 |
| 1882 | 186,931 | 14 mos. ending. June 30 | 1891 254,316 |
| 1883 | 206,970 | 12 " " | 1892 238,216 |
| 1884 | 198,955 | | 1893 243,609 |
| 1885 | 201,446 | | |

If the distinctively prohibition States are taken, the special tax payers for the years 1890, 1892 and 1893, were as under :—

| —— | 1890. | 1892. | 1893. |
|---|---|---|---|
| Maine | 956 | 1,034 | 1,087 |
| Vermont | 388 | 460 | 456 |
| New Hampshire | 1,583 | 1,909 | 1,936 |
| Iowa | 4,350 | 5,219 | 6,607 |
| Kansas | 1,778 | 2,570 | 2,839 |
| Dakotas | 1,086 | 1,465 | 1,834 |

The Year 1891 is left out, as the returns were for fourteen months.

The following table shows the consumption of the different kinds of liquor in the United States for the periods mentioned therein, and the consumption *per capita* of the population.

QUANTITIES of Distilled Spirits, Wines, and Malt Liquor consumed, and the average annual consumption per capita of poulaption, in the United States, during each of the Years 1875, 1885, 1890, 1891 and 1892.

| Year ending June 30— | DISTILLED SPIRITS CONSUMED. | | | | WINES CONSUMED. | | | MALT LIQUORS CONSUMED. | | | Total consumption of wines and liquors. | TOTAL CONSUMPTION PER CAPITA OF POPULATION. | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Domestic spirits.*a* | | Imported spirits entered for consumption. | Total. | Domestic wines.*b* | Imported wines entered for consumption. | Total. | Domestic malt liquors.*b* | Imported malt liquors entered for consumption. | Total. | | Of distilled spirits | Of wines. | Of malt liquors. | Of all liquors and wines. |
| | From fruit. | All other. | | | | | | | | | | | | | |
| | *Proof gals.* | *Proof gals.* | *Proof gals.* | *Proof gals.* | *Gallons.* | *Gallons.* | *Gallons.* | *Gallons.* | *Gallons.* | *Gallons.* | *Gallons.* | *P. gals* | *Gals.* | *Gals.* | *Gals.* |
| 1875..... | 1,757,202 | 62,668,709 | 1,694,647 | 66,120,558 | 12,954,961 | 7,036,369 | 19,991,330 | 292,961,047 | 1,992,110 | 294,953,157 | 381,065,045 | 1·50 | ·45 | 6·71 | 8·67 |
| 1885..... | 1,468,775 | 67,689,250 | 1,442,067 | 70,600,092 | 17,404,698 | 4,495,759 | 21,900,457 | 594,063,095 | 2,068,771 | 596,131,866 | 688,632,415 | 1·26 | ·39 | 10·62 | 12·26 |
| 1890..... | 1,508,130 | 84,760,240 | 1,561,192 | 87,829,562 | 23,896,108 | 5,060,873 | 28,956,981 | 853,075,734 | 2,716,601 | 855,792,335 | 972,578,878 | 1·40 | ·46 | 13·67 | 15·53 |
| 1891..... | 1,219,436 | 88,335,483 | 1,602,646 | 91,157,565 | 23,736,232 | 5,297,560 | 29,033,792 | 974,427,863 | 3,051,898 | 977,479,761 | 1,097,671,118 | 1·42 | ·45 | 15·28 | 17·16 |
| 1892..... | 1,961,062 | 95,187,385 | 1,179,671 | 98,328,118 | 23,033,493 | 5,434,367 | 28,467,860 | 984,515,414 | 2,980,809 | 987,496,223 | 1,114,292,201 | 1·50 | ·44 | 15·10 | 17·04 |

*a* Includes domestic spirits exported and returned since 1886. *b* Product less exports.

NOTES.—(1) The production of domestic wines from 1875 to 1892 was estimated by the Department of Agriculture by Mr. Charles McK. Leoser, president of the Wine and Spirit Traders' Society of New York, and other well-informed persons, and the production for 1889 (opposite the year 1890) is that officially reported by the United States Census. (2) The consumption of domestic spirituous and malt liquors from 1875 to 1892 was obtained from the reports of the Commissioner of Internal Revenue. (3) The consumption of imported liquors and wines from 1875 to 1892 was taken from the official return made to the Bureau of Statistics by collectors of customs. (4) In computing the quantity of sparkling and still wines and vermouth in bottles, five so-called quart bottles are reckoned as equivalent to the gallon.

The following shows the number of distilleries in operation in the United States:—

| | | | |
|---|---|---|---|
| 1877 | 4,510 | 1886 | 6,034 |
| 1878 | 5,652 | 1887 | 4,905 |
| 1879 | 5,346 | 1888 | 3,646 |
| 1880 | 4,061 | 1889 | (not received) |
| 1881 | 5,210 | 1890 | 6,211 |
| 1882 | 5,022 | 1891 | 3,819 |
| 1883 | 5,129 | 1892 | 5,925 |
| 1884 | 4,738 | 1893 | 4,743 |
| 1885 | 5,172 | | |

These figures include all distilleries using grain, molasses and fruit. There was a large decrease in the number of distilleries operated in the year 1891; but the production of spirits was larger in that year than formerly, as the following figures show:—

| | Gallons Produced. |
|---|---|
| 1888 | 71,688,188 |
| 1889 | 91,133,550 |
| 1890 | 111,101,738 |
| 1891 | 117,767,101 |
| 1892 | 118,436,506 |
| 1893 | 131,010,330 |

The number of breweries registered and operated, were as shown below. (R.C. I.R., U.S.):—

| | | | |
|---|---|---|---|
| 1877 | 2,758 | 1886 | 2,292 |
| 1878 | 2,830 | 1887 | 2,269 |
| 1879 | 2,719 | 1888 | 1,968 |
| 1880 | 2,741 | 1889 | (not received) |
| 1881 | 2,474 | 1890 | 2,156 |
| 1882 | 2,371 | 1891 | 2,138 (14 mos.) |
| 1883 | 2,378 | 1892 | 1,967 |
| 1884 | 2,240 | 1893 | 1,930 |
| 1885 | 2,230 | | |

Whilst the number of breweries has decreased, the production of malt liquors has steadily increased, as the following figures demonstrate:—

MALT LIQUORS PRODUCED. (U. S. A.)

| | Gallons. | | Gallons. |
|---|---|---|---|
| 1875 | 292,961,047 | 1889 | 777,420,207 |
| 1885 | 594,063,095 | 1890 | 853,075,734 |
| 1886 | 640,746,288 | 1891 | 974,427,863 |
| 1887 | 716,446,038 | 1892 | 984,515,414 |
| 1888 | 765,086,789 | | |

The quantity of native wine consumed increased from 12,955,000 gallons in 1875, to 23,033,000 gallons in 1892.

The quantity of imported spirits cousumed was 1,695,000 gallons in 1875, and 1,180,000 gallons in 1892.

The quantity of imported wines consumed in 1875 was 7,036,000 gallons; in 1892, 5,534,000 gallons.

The quantity of imported malt liquors consumed in 1875 was 1,992,000 gallons; in 1892, 2,981,000 gallons.

These statistics show,—

First,—That there has been a steady increase in the production of both spirituous and malt liquors in the United States.

Second,—That there has been, including all descriptions, an increase in the aggregate consumption and the consumption *per capita* of the population.

Third,—That there has been an increase in the number of those paying taxes for the right to make, and to deal in spirituous and malt liquors.

Fourth,—That in those States where sale is prohibited the number of those paying taxes for the right to deal in liquors has increased.

Fifth,—That the consumption of spirits and wines, *per capita*, has remained almost stationary since 1875, and that the consumption of malt liquors has increased one hundred and ninety-six per cent. (196 per cent.)

There are no general statistics of crime other than those which the census returns supply, and none are available for the purpose of comparison of convictions for offences in the United States and the number of such convictions in other countries.

From the census returns of 1890, the following figures have been extracted:—

| | 1890 (Population 62,622,250.) | | 1880 (Population 50,155,783.) | |
|---|---|---|---|---|
| | Inmates. | Per 1,000 of Population. | Inmates. | Per 1,000 of Population. |
| Paupers in almshouse | 73,045 | 1.17 | 66,203 | 1.32 |
| Prisoners in county jails | 19,538 | .31 | 12,691 | .25 |
| Convicts in penitentiaries | 45,233 | .72 | 35,538 | .71 |
| Inmates in juvenile reformatories | 14,846 | .24 | 11,466 | .23 |

Insane. In United States Census Bulletin No. 62 it is stated:—

The ratio to 1,000 inhabitants of the whole United States of the insane in public institutions is 1.46, and including, both private and public institutions 1.56.

It must be mentioned that there are 17,558 prisoners of various classes distributed over the country, who are not included in the figures given above. (Census Office Letter, May 6, 1893.)

The following tables show the number of convicts in the penitentiaries, the numbers of prisioners in the jails, and the number of paupers in the almshouses in the seven prohibition States, with the like information in respect of seven license States.

PROHIBITION STATES.

| State. | Population. | Convicts in penitentiaries. | Prisoners in jails. | Paupers in almshouses. |
|---|---|---|---|---|
| Kansas | 1,427,096 | 918 | 432 | 593 |
| North Dakota | 182,719 | 65 | 25 | 35 |
| Iowa | 1,911,896 | 623 | 327 | 1,621 |
| New Hampshire | 376,530 | 116 | 113 | 1,143 |
| South Dakota | 328,808 | 97 | 72 | 53 |
| Vermont | 332,422 | 91 | 30 | 543 |
| Maine | 661,086 | 170 | 302 | 1,161 |
| Totals | 5,220,557 | 2,080 | 1,301 | 5,149 |
| Ratios per 1,000 | | 0·399 | 0·249 | 0·986 |

LICENSED STATES.

| | | | | |
|---|---|---|---|---|
| Michigan | 2,093,889 | 1,108 | 399 | 1,916 |
| Wisconsin | 1,686,880 | 530 | 345 | 2,641 |
| Minnesota | 1,301,826 | 432 | 208 | 365 |
| Mississippi | 1,289,600 | 429 | 284 | 494 |
| Rhode Island | 345,506 | 122 | 229 | 490 |
| West Virginia | 762,794 | 278 | 153 | 792 |
| Nebraska | 1,058,910 | 391 | 219 | 291 |
| Totals | 8,539,405 | 3,290 | 1,837 | 6,989 |
| Ratios per 1,000 | | 0·385 | 0·215 | 0·818 |

It will be seen that the ratio of convicts in the penitentiaries of the seven prohibition States was higher than the ratio of those in the penitentiaries of the seven licensed States referred to.

It will be found on reference to Appendix No. 79, that Maine has the lowest ratio of convicts in its penitentiary of any of the States of the Union, with the exception of Wyoming. New Hampshire and Vermont have also low ratios of convicts in their penitentiaries. Kansas has a higher ratio of prisoners in its penitentiary than thirteen of the licensed States. Its ratio is higher than that of Wisconsin with a larger population, than Minnesota, with slightly less population, and Mississippi, with about 140,000 less population. North Dakota has a larger ratio of prisoners in its penitentiaries than Minnesota, Wisconsin, Mississippi, Rhode Island or Wyoming. South Dakota has a lower ratio than any of the last mentioned States, with the exception of Wyoming.

It will also be noticed by reference to Appendix No. 80 that the ratio of prisoners in the common jails of the prohibition States was higher than the ratio of those in the jails of the seven licensed States. It may be mentioned that the ratio of prisoners in the common jails in Maine is larger than it is in twenty-five licensed States. The ratio in Kansas is larger than it is in seventeen licensed States.

The ratio of paupers in almshouses was larger in the seven prohibition States than in the seven license States.

It will be observed on reference to Appendix No. 81 that the ratio of paupers in almshouses in the North Atlantic division was 1·79; in Maine it was 1·76, and in Vermont, 1·63 Rhode Island had a lower ratio of paupers in almshouses than either of these States. Pennsylvania had a lower ratio than Maine, but a slightly higher

ratio than Vermont. Iowa was below the average of the North Central division in which it was placed. Both that State and Kansas had a higher ratio than Nebraska. The ratio of paupers in almshouses for the South Central division was lower than the ratio of any other of the divisions into which the States are divided.

It is not practicable to institute the same comparison as regards the inmates of juvenile reformatories. North Dakota and South Dakota have no reformatories. Maine, New Hampshire and Vermont show a very small ratio of inmates in juvenile reformatories compared with some of the other States in the North Atlantic division, as will be seen on reference to Appendix No. 8[2]. Pennsylvania, which is in the same division, however, has a lower rate of juveniles in reformatories than any of these three States mentioned.

Kansas, Iowa and the Dakotas are classed in the North Central division. The ratio of inmates in the juvenile reformatories shown in Iowa are. 27 per 1,000. Ohio, Indiana, Michigan and Wisconsin have all higher ratios, as will be seen on reference to the same appendix; but Illinois, Minnesota, Missouri and Nebraska have all lower ratios than Iowa. Kansas shows the lowest ratio in the division with the exception of Illinois and Missouri.

The following interesting statement was forwarded to the Commission by the Chief of the Bureau of Statistics, Washington (the Hon. S. G. Brock), to whom the Commissioners are much indebted for valuable information supplied in the most prompt and courteous manner.

The material for this statement appears to have been supplied (by request) to the Bureau, by Mr. F. N. Barrett, of New York, and formed part of a larger statistical statement relating to some other subjects compiled by Mr. Edward Atchison, of Boston.

CONSUMPTION OF LIQUOR IN THE UNITED STATES.

"Standard of comparison—The production and consumption of liquors:—

| | |
|---|---|
| Spirits withdrawn, including fruit brandy | 89,554,919 gals. |
| Less 12 per cent used in the arts | 10,746,589 " |
| Consumed as beverage | 78,808,330 " |

| | |
|---|---|
| Valuation of spirits, 78,808,330 gals. @ $4.50 | $354,637,485 |
| Valuation of beer, 974,247,863 gals. @ 50c | 487,123,931 |
| Domestic wines, 25,000,000 @ $2 | 50,000,000 |
| Imported beer | 3,051,803 |
| Imported wines | 40,000,000 |
| Total in 1891 | $934,813,314 |
| Estimated increase spirits in 1892 | 35,000,000 |
| Actual increase beer | 21,070,963 |
| Increase domestic and imported wines | 10,000,000 |
| Total in 1892 | $1,000,884,277 |

| | |
|---|---|
| Consumption of liquors *per capita* in 1892 | $15 28 |
| Expenditure of the United States' Government | 5 27 |

"The quantities of spirits, wine and beer, are well established by the data of taxation. The prices are assumed to be what are paid for consumption. A gallon of spirits yields sixteen half-pints; the average single portion is one-third of this quantity. At $4.50 per gallon, the average charge would be $9\frac{36}{100}$ cents. A gallon of beer served in sixteen half-pints, computed at 50 cents a gallon, would give $3\frac{6}{100}$ cents each. Spirits, wine and beer per day per person $4\frac{187}{1000}$ cents. All Government expenditures, 1892, per day per person, $1\frac{444}{1000}$ cents." In a letter from Mr. Brock (March 22nd, 1893), he writes:—"It will be impossible for us to ascertain

the amount of liquor consumed in each State of the United States. The returns of collections of revenue in any one state are little, if any, index of the amount of liquor consumed in the state. As you are aware, our distilleries are located mostly in the western states (Illinois, Kentucky, etc.,) and it is there that the greater portion of the revenue for manufactured liquor is collected, while the liquor is consumed in all states of the Union."

There have been prepared from the United States census returns, statements of the number of convicts in penitentiaries (states prisons), of prisoners in county jails, of paupers in almshouses, and the population in reformatories by states and territories, and the ratio per 1,000 of these various classees to the population. These statements are printed as Appendices Nos. 79, 80, 81, 82.

It is necessary to state that the superintendent of the census office at Washington, to whom the commissioners are much indebted for valuable information, says, in reference to these returns (6th May, 1893):—

"The were confined in penitentiaries, 45,233; in county jails, 19,861; in city prisons, 3,264; in workhouses, 9,968; there were leased out in convict camps in the south, not included in any other class of prisons, 2,308; there were confined in military prisons, 794; and insane criminals confined in hospitals for insane criminals, 901.

"No bulletins have been issued by this office referring to any of these classes, except the penitentiaries and county jails, both of which have been sent to you.

"Only those returned as being in penitentiaries and county jails are included in the statement now given."

The following table is taken from the census reports of the United States (Bulletin No. 62.) The detailed statements from which it has been compiled have not been printed.

Table giving the number of insane in public institutions in each geographical division, the population of each division, and the ratio of insane to each 1,000 inhabitants in the United States:—

| Geographical Division. | Number of insane. | Population. | Ratio to each 1000 inhabitants. |
|---|---|---|---|
| North Atlantic division | 36,595 | 17,401,545 | 2·10 |
| South " | 11,288 | 8,857,920 | 1·27 |
| North central division | 28,690 | 22,362,279 | 1·28 |
| South " | 7,759 | 10,972,893 | 0·71 |
| Western division | 6,820 | 3,027,613 | 2·25 |

The ratio per 1,000 of the total population is 1·46, and including public and private institutions, 1·56.

## ALASKA.

This territory is under prohibition, enforced by the United States government. According to the United States census for 1890, the population of the territory was 32,052, as follows:—

| | |
|---|---|
| Whites | 4,298 |
| Mixed (Russian and native) | 1,823 |
| Indians | 23,531 |
| Mongolians | 2,288 |
| All others | 112 |

The enforcement of the law is entrusted to officers specially appointed by the Federal Government. Notwithstanding their most vigorous efforts, the prohibitory provisions are violated. Smuggling appears to be one of the most popular

branches of business, and illicite stills are established in different parts of the territory. The Indians, moreover, manufacture liquor from rice and molasses and in and by other primitive methods, even kelp being brought into requisition.

The basis of smuggling operations is British Columbia, from the ports of which even small schooners can sail along the coast, in the sheltered waters between the islands, to the Alaskan Territory. As different points are reached on the trip, kegs of liquor are thrown overboard and picked up by the traders, in accordance with pre-arranged plans.

In Alaska, prohibition has failed to prohibit, even in a territory sparsely settled, and with the law attempted to be enforced by Government officers, backed by the whole prestige of the Federal authority. Alaska occupies, however, a favourable position in many respects from a prohibition standpoint. It is comparatively isolated geographically. Access to the territory is mainly from the south, from British Columbia. On the north it is shut in by ice-bound seas; on the east it is bounded by the North-west territories, which, up to May, 1892, have been under a prohibitory system as regards the liquor traffic. Moreover, Alaska contains at the present time a sparse population. Still further, the prohibitory law is in the hands, as far as regards enforcement, of officers appointed by the United States Government. In these particulars, at all events, the territory occupies an exceptionally favourable position to secure a thorough enforcement of any law, whether prohibitory or otherwise.

Testimony taken by this Commission in British Columbia had special relation to the prohibitory situation of the territory of Alaska. As the commissioners were fresh from an inquiry instituted in the North-west Territories of Canada in regard to the enforcement of a prohibitory law under similar conditions, as regards the character of the law itself, a territory sparsely populated, and enforcement by Government officers, the inquiry as to the position of Alaska possessed special interest. Several witnesses called before the Commission described, with more or less detail, the condition of affairs in this recently acquired portion of American territory. The witnesses agreed on several points, which may be briefly summarized, namely, that the prohibitory law is a failure; that the whole force of Federal officers, supported by the Federal Government itself, has failed to enforce it; that the people themselves are opposed to the law, on principle; that accordingly smuggling is constantly going on between the territory and British Columbia; that smuggling operations are conducted not only by land but by sea; that while smugglers convey overland alcoholic liquors through difficult mountain passes and through a little-travelled country, schooners chartered to carry cargoes of liquors drift along the coast northward, taking advantage of the sinuosities of the coast, and drop portions of the cargo in bays and inlets, where the barrels are picked up by illicit dealers; that illicit stills are carried on by whites, as well as natives, who brew "hoochinoo," a native alcholic drink, and that, in a word, the law is openly defied by all classes of the population.

The proof is contained in the evidence given by witnesses heard by this Commission in British Columbia. Mr. R. H. Hall, M. P. P., of Victoria, manager of the Hudson Bay Company's business, gave valuable information, gathered from a long residence on the border line of the province, and within the boundary of Alaska itself He explained that the United States Government endeavoured to carry out prohibition in Alaska "by men from Washington." "It is a complete failure," was his emphatic statement. He declared that liquor was obtainable in any quantity, that it was smuggled. In Juneau, the principal town in the territory, with a population of 1,200 souls, there were no less than 33 saloons, when he visited it. The quality of the liquor was of the vilest character; to use his own words, "A very great deal of it was manufactured from proof spirits, and it was 'doctored' so as to make it look like whiskey or anything else." His experience in Sitka was similar—saloons, bad and crude liquor, unregulated trade, so-called prohibition, formed the record. As to the enforcement of the law, Mr. Hall stated, "I do not think the Government officials could put the trade down, unless they had a very large army in the territory. The majority would defy any interpretation of the law that would bring out ab pro-

hibition." It was even stated that there were few places where liquor could not be obtained, and that both Indians and white men drank. Illicit manufacture was also common. The Indians manufactured liquor out of rice and molasses in their own stills, and in this direction, of course, it was impossible to enforce a prohibitory law. As to difficulties in the way of enforcement of the law, Mr. Hall said, "I think the difficulty is this: I do not suppose that the officials themselves, or the people, believe in the law that has to be enforced." Of course, the population of the territory is largely composed of fishermen and miners. Every effort appears to have been made to carry out the law, and this Commission was informed that the officers were constantly making seizures. Public opinion, however, was antagonistic to the law. The opinion was frankly stated to this Commission that the prohibitory law gave encouragement to lawlessness, from the fact that the people of the territories themselves admit the impracticability of its enforcement. In other respects, however, it was generally conceded that the people of Alaska were very law-abiding. Mr. Hall stated that two or three years ago the Governor of Alaska felt it was so difficult to deal with the liquor traffic that he undertook to assume the responsibility of granting temporary licenses to vendors of liquors, while he proposed to make such representations to Congress as would result in the license system being made permanent. The liquor dealers in Alaska, he explained, held a meeting to discuss the matter, and the result of their deliberations was, that they decided they would not accept temporary licenses or any other licenses, on the ground that the liquor trade was more profitable under prohibition than it would be to them under license.

A law to institute a license system in Alaska was introduced into the United States Senate in December, 1891, but after the second reading it was dropped.

Sir Matthew Begbie, Chief Justice of the Supreme Court of British Columbia, recited to this commission particulars of a journey in the northern country and over the Alaskan line. He declared that the Indians not only obtain considerable quantities of liquor by importation, but also manufacture liquor themselves. He explained that a small stock of wine which he had with him for the journey became exhausted, and he desired to obtain a fresh supply of alcoholic stimulants. He said: "I was at Fort Wrangel, and the people said that I could get as much liquor as I wanted for $5 a bottle, good brandy, marked 'Martel.' I asked where I could get it, and they said that the Indians would sell me as much as I wanted. The Indians had plenty of liquor, and it was from them I got it. It was as good as you could get in Victoria. That was in Alaska, where there is prohibition."

Mr. Robert Ward, a prominent merchant in Victoria, and a justice of the peace for the whole Province of British Columbia, testified before this Commission respecting the trade in liquors between that province and Alaska. He said: "I remember in Alaska, some years ago, there was a large trade going on between it and British Columbia; in fact there was a large trade with nearly all points on the Stickeen River and Puget Sound in the illicit whiskey business. I have known cases where liquor was smuggled in casks of butter, small kegs of whisky being inside. The butter was melted and poured around the small keg, and it would be concealed and shipped as butter."

Interesting evidence was given by Mr. Alexander Choquette, of Fort Wrangel, Alaska. He had resided at Fort Wrangel during a period of five years, having previously lived in California, and also on the Stickeen River, British Columbia. He explained that, although a prohibitory law is in force in the territory, all kinds of liquors were sold, including Jamaica rum, brandy, gin and whisky. They were sold openly. Although there are not more than 30 white people at Fort Wrangel, there are no less than three saloons in which liquor is openly sold. The enforcement of the law is in the hands of a Government commissioner, who, as Mr. Choquette laconically observed, attends to all the troubles that occur, and tries to stop the sale, which has never been done yet. Then there is Juneau, with 14 or 15 saloons, according to this Indian trader. There liquor is sold openly and over bars. Deputy marshals are appointed to enforce the law, but they fail there, as elsewhere. As this witness put it, "They have tried several times, but they have not stopped the

trade." The population is composed there, as elsewhere, of fishermen and miners, and it was generally conceded that but few of the whites did not drink. Again, evidence was given with respect to Sitka, the capital and headquarters for Alaska traders. Mr. Choquette appeared to be quite familiar with this trading post, where, he said, liquor is freely sold, and although many attempts have been made to stop the sale by deputy marshals, they have failed, and they appear now to mainly confine their efforts to preventing liquor sales to Indians. The reason was explained in a sentence by this witness, "They are unable to do so." As to the popular sentiment respecting the sale, the testimony went to show that the people desired to have liquor sold, notwithstanding the prohibitory law. Among other odd ways in which liquor was shipped to the territory, may be mentioned that of shipment in corned beef barrels, it being the habit to thereby smuggle ten gallons of alcohol. While the whites obtained liquor in large quantities by these smuggling operations, the Indians manufactured their own to a large extent, the product being described as possessing great strength.

Mr. John Pawson, of Nanaimo, an old resident of British Columbia, declared that large quantities of liquor were shipped from British Columbia ports to Alaska. He gave some particulars in respect to the manufacture of "hoochinou" by the natives of the territory, a native intoxicant prepared from molasses with kelp and the assistance of a primitive still in the shape of a coal-oil can.

A Government return shows that for the year ended 30th June, 1892, there were taken out in Alaska, United States certificates as follows:—

| | |
|---|---|
| Retail liquor dealers | 60 |
| Brewers | 4 |
| Retailers in malt | 3 |

Mr. Robert D. Porter, United States superintendent of the census, in his official report of the census of 1890, dated February 9, 1893, makes several very interesting references to the subject of prohibition in the volume devoted to Alaska. He explains that, for census purposes, the country is divided into seven districts, commencing at the southern boundary and ascending to the arctic boundary, each district being dealt with separately.

The following excerpts are taken from his report:—

SOUTH EASTERN DISTRICT.

"The duties of the collector of customs (at Fort Wrangel) are principally to see that no liquors or dutable goods are smuggled into Alaska from British ports; but it is evident that he requires much better facilities for executing his authority in order to stop the liquor traffic across the British line and among the natives in south-eastern Alaska." (Page 23.)

Speaking of Port Chester, the report says: "The Tsimpseans differ from all other tribes in south-eastern Alaska, unless perhaps the Haida can be excepted, in their total abstinence from the use of liquor, and the manufacturer of the vile 'hoochinoo' is unknown amongst them." (Page 29.)

Referring to the Kakes, "the most vicious tribes," it says: "I saw they were not only anxious to become civilized, but said that they would do anything to do away with the manufacture and drinking of 'hoochinoo,' if the Government would give them a school at which their children would be educated." (Page 35).

Again, "Strict prohibition laws are decreed for the whole territory, but are not respected, *and cannot be enforced in this section, where whisky smuggling is as fixed an occupation, or industry, as mining.*" (Mrs. Skidmore, in census report, page 42).

Reference to severe fighting amongst the Chilcats in 1881, arising from a drinking bout on 'hoochinoo,' is made on page 45.

Mr. Henry Boursin, special census agent, speaking of the Thlingits, "the most intellectual tribe," says: "They are born liars and grossly immoral; drunkenness is the rule and not the exception, and all these vices have been strengthened, not checked, by contact with civilization." (Page 54.)

KADIAK DISTRICT.

The report on this district mentions the people as industrious and fairly prosperous, but is silent as to the observance or non-observance of the law.

UNALASKA DISTRICT.

Mr. Samuel Applegate, the official for this district, in his report says: "When I first visited Unalaska, in 1881, I found the people living in filthy, barbarous, semi-subterranean sod houses. There were some few exceptions, of course, but by far the majority lived in a manner but little above that of the higher animals. I soon discovered that the cause of their degraded condition was their excessive indulgence in a home-brewed beer called "quass," made from flour, sugar and yeast. This was made almost constantly, and imbibed so persistently that the people would remain in a drunken stupor for days at a time. At that time, and for two years subsequently, this condition existed. At that period there were rival trading companies established in the district, with almost everything imaginable except liquor in their stores to attract trade. Prices were fair and sea otters plentiful. In looking back to those times one can but deplore the weakness of human nature. There is not an able-bodied native here but would have been comparatively well off had he saved his earnings. With the disappearance of competition a check was placed upon the consumption of sugar, and since then the people have improved wonderfully, both mentally and physically—physically, because they can now much better resist the diseases which seem to visit them annually, and which formerly carried them off so easily. * * * Even now, however, opportunities will occur to save up sugar for some special holiday, and to indulge in a prolonged period of general intoxication." (Page 81.)

NUSHAGAK DISTRICT.

Of this district the report says: "Some of the Eskimo have learned to distill from flour-paste, sugar, dried fruit, berries, etc., a horrible kind of liquor, which they drink without rectification, fusil oil and all. The trader at Nushagak discountenances such proceedings, and has tried to put a stop to them by giving orders that not more than 20 cents' worth of sugar shall be sold at one time to a customer. The natives, however, have frequently been discovered saving up this flour and sugar. They will deprive themselves for weeks of sweetening in their tea and will refrain from eating bread in order to indulge in a beastly debauch, as soon as they have stored up enough flour and sugar to make a brew." (Page 93.)

KUSKOKWIM DISTRICT.

The Eskimo are described, in this district, as "a primitive people who have not yet acquired the accomplishment of making or consuming strong liquors." (Page 103.)

YUKON DISTRICT.

"The influx of miners to the country has produced marked changes amongst the natives, and not to their benefit morally. The illicit manufacture and use of liquor, both by the traders of the company and the miners, is certainly demoralizing the natives to a great extent. It is openly carried on, both on the upper and lower river. At Andreafskey, on the lower river, it is a common sight to see intoxicated natives, more especially in the winter, and the natives have now learned the process of making liquor themselves, more particularly on the coast and the Lower Yukon." (Page 121.)

ARCTIC DISTRICT.

"The fondness for alcoholic liquor is a curse among these people, a circumstance that has been taken advantage of by the whalemen in obtaining supplies of furs and bone. Within the past two years Kotzebue Sound and Point Hope natives have instructed the Point Barrow natives how to distill alcohol from molasses, sugar and flour. A mixture of these articles, with water, is boiled in an old coal oil or any other available can, into which is inserted an old gun barrel, fitted with dough or clay, to make it air tight. The barrel passes through a block of ice, and as the mixture boils, the vapor condenses as it leaves the tube into a crude spirit, and is caught in a receptable. The utmost care is taken to avoid losing a drop of this precious mixture. Attempts to check the making of this vile liquor prove abortive, as the law does not prohibit the sale of sugar, molasses or flour to the natives, and until some strict Government surveillance is exercised over them during the winter, the manufacture will be continued. Under the influence of this alcohol men beat and maim the women unmercifully, accidents occur, and long spells of sickness succeed the drinking bout. A drunken Eskimo acts like a crazy man, and the sober men of the village try to divest the fellow of knives, or any weapon that might be used in his drunken paroxisms. The whalemen, too, trade liquor to these people for various articles, but generally most of the drink is given to the women in payment for their favors. Efforts to restrain this traffic have been made by revenue marine officers; search is made on board the vessels for the contraband article, and in every instance, if it be found, the contents of the packages are dumped overboard. The trouble lies in the fact that both officers and men manage to obtain drink either from the ships that call at Honolulu, the Caroline islands, or Japanese ports, or secrete it in their effects prior to leaving San Francisco. It must be stated that the managers of the whaling firms of San Francisco use every endeavour to prevent liquor being taken on board their vessels proceeding to the Arctic. The love of strong drink has a firm hold on these people, and they will sacrifice their all to obtain it." (Page 145-6.)

The prohibition in the territory is carried out under the following regulations, prescribed under the authority of section 14 of the Act of May 17, 1884, entitled, "An Act providing a Civil Government for Alaska," and section 1955 of the Revised Statutes:

"1. No intoxicating liquors shall be landed at any port or place in the territory of Alaska without a permit from the chief officer of the customs at such port or place, to be issued upon evidence satisfactory to such officer that the liquors are imported, and are to be used solely for sacramental, medicinal, mechanical or scientific purposes.

"2. The importation to said territory of breech-loading rifles and suitable ammunition therefor, except for the personal use of white settlers or temporary visitors, not traders, is hereby prohibited.

"3. The master of any vessel departing from any port in the United States having on board intoxicating liquors or breech-loading rifles and ammunition suitable therefor, when such vessel is destined to any place in said territory, or, if not so destined, when the intended course lies within the waters of the territory, will be required to file with the collector of customs at the port of departure a special manifest, signed and verified in duplicate, of all such liquors, arms and ammunition; and no clearance shall be granted to any such vessel unless the articles embraced in the special manifest are shown to the satisfaction of the collector to belong to the necessary supplies and equipments of the vessel, or to be entitled to the above specified exemption, or are covered by bonds taken under the provision of said section 1955.

"4. One of the special manifests above provided for will be delivered to the master, together with the clearance, if granted, and any intoxicating liquors, breech-loading rifles, and ammunition found on board a vessel within the waters of the territory, without such special manifest, will be seized, and the offenders prosecuted under the provisions of section 1957 of the Revised Statutes."

The necessary executive order was issued by President Cleveland on 4th May, 1887, and this order remains in force.

The following is a copy of one of the latest orders issued from the Treasury Department at Washington concerning the sale of intoxicating liquors in the territory of Alaska:—

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
WASHINGTON, D. C., March 12, 1892.

"For the purpose of more effectually carrying out the law of Congress prohibiting the sale of intoxicating liquors in Alaska, it is ordered that existing rules and regulations regulating the sale of intoxicating liquors in the territory of Alaska, pursuant to the Act of May 17, 1884, are hereby continued in force, except as herein modified:

"1. Existing statutes and regulations relating to the sale of intoxicating liquors shall be strictly enforced.

"2. The sale of intoxicating liquors for medicinal, mechanical and scientific purposes shall be made only by such persons in said territory as have obtained a special permit from the Governor of the territory to sell intoxicating liquors therein, upon the following conditions:—That before the application for the permit or renewal thereof shall be granted, the applicant shall make and subscribe an oath before an officer authorized to administer oaths in said territory as follows:—

"I (name), do solemnly swear that I will not sell, give or furnish any intoxicating liquors to any person otherwise than as provided by law and the regulations established by the President of the United States, under the Act of May 17, 1884; and especially that I will not sell or furnish any intoxicating liquors to any person who is not known to me personally, or duly identified; nor to any minor, intoxicated person, or persons who are in the habit of becoming intoxicated, and that I will not allow any intoxicating liquors to be drunk on or about my premises; and I will make true, full and accurate returns to all certificates and requests made to or received by me, as required by said regulations; and said returns shall show every sale and delivery of such liquors made by or for me during the month embraced therein, and the true signature to every request received and granted; and such returns shall show all the intoxicating liquors sold or delivered to any and every person as returned."

Such applicant shall also file with his said application a bond to the Governor of said territory, in such penal sum as the Governor shall prescribe, not less than five hundred dollars ($500), conditioned that for any violation of said Act of May 17, 1884, or the regulations established by the President thereunder, said bond shall be forfeited. Such bond shall be signed by the applicant or applicants, as principal or principals, and by at least two sureties, who shall justify under oath, in the sum of five hundred dollars ($500) each, over and above all indebtedness and exemptions, and such bond shall be approved by and deposited with the Governor. The United States and any person or persons who may be injured or damaged by reason of any violation of said law, or the regulations thereunder, may have an action upon such bond.

"Upon taking said oath and filing said bond, the Governor of said territory may issue to the applicant a permit authorizing him to keep and sell intoxicating liquors as provided by said Act and regulations made thereunder; and every permit so granted shall specify the building, giving the location thereof by street or number, in which intoxicating liquors may be sold by virtue of the same and the length of time the same shall be in force, which in no case shall exceed twelve months.

"3. The sale for medicinal purposes shall be made only upon the prescription of a reputable practising physician of said territory, stating the kind and quantity of liquor necessary to be used by the patient.

"4. The sale for mechanical and scientific purposes shall be made only upon application duly subscribed and sworn to by the applicant in person, before some person authorized to administer oaths, made by the party desiring to use the same, stating the kind and quantity of liquor required, and that the same is necessary for mechanical or scientific purposes (stating particularly the purpose, and the exact locality where to be used).

"5. No licensed person shall sell or deliver any intoxicating liquors to any person if he has reason to believe that the applications, certificates, or affidavits, submitted to him by applicants are evasive or untrue; or to any minor, or intoxicated person, or to one addicted to intoxication. If the applicant is not personally known to the person selling, before filling his request he shall require identification by a person known to him, and a statement signed by such witness that the applicant is not a minor and is not in the habit of using intoxicating liquors to excess, and is worthy of credit as to the truthfulness of the statements in his application.

"6. At the end of each month each licensed person shall make out and forward to the Governor an itemized report of the date and quantity sold to each person, and the purpose for which it was bought; and if, upon a prescription, the name of the physician giving the same, which report shall be sworn to.

"7. Any person violating this regulations, or the provisions of law relative to the sale of distilled spirits or intoxicating liquors in Alaska, shall be liable, upon conviction in the proper tribunal, to the penalties imposed in section 1955 of the revised statutes of the United States, and, in any event, upon such violation by such persons his permit shall be revoked, and not renewed without approval of the Secretary of the Interior.

"8. In case any physician make a false certificate as to matters aforesaid, any certificated of his thereafter shall be rejecte, and no application shall be granted thereon; and in any case when a false affidavit is made, all applications by such person thereafter shall be rejected. Co-partnerships, corporations and all associations are included within the foregoing rules.

"9. The Governor shall have power to suspend or revoke any permit issued by him to any person whenever, in his judgment, it is shown, after due notice, that such person has failed to comply with the rules and regulations prescribed therein, or that the best interests of the inhabitants of the territory require such suspension or revocation of the permit.

"10. Every person who, under these regulations, shall have obtained a special permit from the Governor of the territory of Alaska to sell intoxicating liquors for medicinal, mechanical and scientific purposes will also be required to pay to the Collector of Internal revenue of the district of Oregon (in which collection district the territory of Alaska is included) the special tax as a liquor dealer, and in all other respects to comply with the internal revenue laws.

"O. L. SPAULDING,
"*Acting Secretary.*

"EXECUTIVE MANSION, March 11, 1892.
"Approved,
"BENJ. HARRISON."

In a letter written by the assistant secretary of the Treasury on the 3rd March, 1894, he said:—

"Customs officers and officers of the revenue marine service have been instructed to be especially vigilant, with a view of preventing the violation of the laws relating to the importation of liquor within the territory named. Complaints have been made from time to time of the practice of smuggling small packages of liquors, and seizures have been occasionally made. There is nothing, however, to indicate that liquors in any considerable quantity are irregularly introduced into the territory. As you are aware, the law allows the importation and sale of liquors for medicinal, mechanical and scientific purposes, and permits for such sales have, so far as this department is advised, been issued only to druggists."

Through the kindness of Senator McMillan, of Michigan, the commissioners have been supplied with copies of very interesting reports from the governors of Alaska to the Government at Washington. Extracts from these reports will be found in Appendix No. 134. It is only necessary, perhaps, to quote here from His Excellency Governor James Sheakley, addressed to the Secretary of the Interior, on the 1st October, 1893. In that report His Excellency says:—"The law prohibiting the importation, manufacture or sale of intoxicating liquors in Alaska is (in its pre-

sent construction) a source of irritation and discontent amongst all classes of people in the territory. It gives rise to a large traffic in smuggled liquors, mostly from British Columbia, which our customs officers cannot prevent and have not the means to suppress. Either the law should be changed or the revenue officers provided with the means to enforce its provisions."

Mr. Inspector C. Constantine, of the north-west mounted police, visited the valley of the Yukon River in 1894. He returned by way of Alaska, and subsequently reported at Ottawa. The inspector made a statement to the chairman of this commission embodying some information in regard to the liquor traffic in Alaska, a copy of which will be found in Appendix No. 135.

## IOWA.

The state of Iowa lies entirely within the prairie region of the Mississippi valley and is bounded by the Missouri and Big Sioux river, on the west, and the Mississippi on the east. Its area is 55,045 square miles, and the population in 1890 was 1,906,729. There are no large cities in it, but a number of thriving towns.

Iowa was originally a part of the Louisiana purchase, and was made a territory in 1838, and in 1846 admitted to the Union as a state.

The state is under a prohibitory law.

In Iowa the sale of intoxicating liquors as a beverage, exclusive of wine and beer, has been continuously prohibited since 1855.

In that year a strong prohibition law was carried by nearly 3,000 majority in a total vote of 48,200. In 1858 the law was modifed, permitting the sale of ale, beer and wine.

In 1875 the prohibitionists became a factor in the politics of the state. In that year, however, they polled only 737 votes out of a total of 218,862. In 1877 they cast 10,545 votes. In 1879 the vote declined to 3,291.

In 1882 a prohibitory amendment to the constitution was submitted to the people, in the following terms:—

"No person shall in the future sell or keep for sale as a beverage any intoxicating liquors whatever, including ale, wine or beer. The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for violations of the provisions thereof." (Section 26).

This proposition was carried by 29,759 majority, there being for, 155,436; against, 125,677. Seventy-six counties gave majorities to the amendment, as compared with 23 that cast majorities against it.

Immediately after the election at which the amendment to the constitution was adopted, Governor Sherman issued his proclamation declaring the result. The prohibitionists held a convention and declared in favour of the holding of a special session of the Legislature to enact additional laws. The opponents of prohibition at once declared that the amendment was unconstitutional. A test case was tried, and an appeal taken to the Supreme Court of the state. The question was argued at length, and the Supreme Court decided that the amendment was unconstitutional, not having been passed in the form prescribed by the law. Then a movement began for a rehearing of the case, which occurred at the April term in 1883. The decision of the Supreme Court was sustained, one judge alone dissenting.

In the same year Governor Sherman refused to convene a special session of the Legislature. At the following session of the Legislature, held in January, 1884, statutory prohibition was enacted.

The law, which is still in force, may be thus summarized: All persons are prohibited from manufacturing selling or keeping for sale all kinds of intoxicating liquors, including wine and beer. All of such liquors, including the vessels containing the same together with the premises on which they are sold or kept for sale are declared nuisances.

Intoxicating liquors may be sold for pharmaceutical, medicinal, mechanical and sacramental purposes, provided a permit shall first be obtained for doing so. In order to secure such permit, the party making the application must give three

weeks' notice in some newspaper of his intention to apply therefor. The application is made to the district court. The application must be by petition signed by one-third of the freehold voters in the township, incorporated city, or town in which the permit is issued. After all the provisions of the statute have been complied with and no objection taken, the court may grant such permit upon the applicant entering into bond in the penal sum of 1,000, with good and sufficient sureties that he will observe the law. These permits remain in force unless revoked for such period as may be specified thereon.

The penalties for selling without a permit are fines varying from $50 to $100 for the first offence, and for subsequent offences $300 to $500, with imprisonment not exceeding six months. The penalty for keeping a place for the manufacture or sale of liquors contrary to law ranges from $300 to $1,000. There are special provisions respecting sale of liquor by pharmacists. A permit-holder may sell or deliver liquor only on a written request. He is to make a return every month of the sales, and must enter them in a book open to inspection. The proceeds of fines are given to the school fund.

Any person found in a state of intoxication is to be arrested and, on conviction, to be fined $10, or imprisoned for 30 days. But the punishment may be wholly or partly remitted, upon the prisoner's stating on oath when, where and from whom he received the liquor.

Any wife, child parent, guardian, employer or other individual injured in person, property or means of support by any intoxicated person, or in consequence of his intoxication, habitual or otherwise, has a right of action for damages against the person who, by selling him liquor, caused the intoxication.

In 1884 the prohibitionists of the state inaugurated a movement looking towards national prohibition, and they cast that year 1,472 votes for that ticket. Since 1883 the prohibitionists have had a ticket in the field every year. The vote has usually run from 1,400 to 1,600, going down in 1887 to 334. In 1882, however, the prohibitionist polled 6,097 votes, the Republican candidate obtaining 219,464 and the Democratic candidate 196,686.

Notwithstanding the restrictions surrounding the sale by druggists, a large quantity of liquor is sold. In 1886, the year after the prohibitory law took effect, the number of United States tax certificates of all kinds issued was 3,997, as against 5,563 in 1883, 4,424 in 1884—whereas in 1891 the number for the 14 months ended 30th June was 7,630; for 12 months in 1892, 5,219 : and in 1893, 6,607. The following table shows the number of United States certificates, of each class, issued from 1882 to the year ended 30th June, 1893 :—

| Years. | Retail liquor dealers. | Wholesale liquor dealers. | Retail dealers in malt liquors | Wholesale dealers in malt liquors | Brewers. | Rectifiers. | Totals. |
|---|---|---|---|---|---|---|---|
| 1882..... | 4,104 | 55 | 321 | 54 | ..... | ..... | 4,534 |
| 1883..... | 5,001 | 86 | 283 | 57 | 117 | 20 | 5,563 |
| 1884..... | 3,989 | 63 | 216 | 54 | 86 | 16 | 4,424 |
| 1885..... | 3,549 | 52 | 229 | 60 | 100 | 7 | 3,997 |
| 1886..... | 3,769 | 57 | 152 | 64 | 98 | 8 | 4,148 |
| 1887..... | 3,584 | 54 | 283 | 66 | 78 | 13 | 4,078 |
| 1888..... | 2,928 | 36 | 249 | 48 | 74 | 6 | 3,341 |
| 1889..... | 3,575 | 42 | 270 | 68 | 50 | 7 | 4,012 |
| 1890..... | 3,975 | 35 | 225 | 85 | 22 | 8 | 4,350 |
| 1891..... | 6,874 | 54 | 395 | 267 | 29 | 11 | *7,630 |
| 1892..... | 4,706 | 58 | 250 | 158 | 37 | 10 | 5,219 |
| 1893..... | 5,985 | 58 | 291 | 238 | 27 | 8 | 6,607 |

*For fourteen months.

In Iowa, in 1893, one United States certificate was issued to every 289 inhabitants, taking the population of 1890, while Alabama shows only one certificate to 1,203 inhabitants, and South Carolina, Arkansas, Mississippi, North Carolina, Georgia, Florida, West Virgina, Tennessee, Nebraska, Virginia, Delaware, Massachusetts, Texas and Pennsylvania all have a lower ratio.

Governor Sherman, in his second biennial message, 1886, says:—

"The prohibitory liquor law has been reasonably successful * * * The law is violated in many of our cities, but this argues nothing for its repeal; the same may be said as regards the law against burglary and other graver crimes, yet none desire their modification. *Whatever failure has attended it, is largely due to the apathy of its original champions, who, while stentorious in demand for its enactment, have been noticeably quiet in aiding its enforcement* * * * Singularly enough, the law for the suppression of the liquor traffic has had to contend not only against the vigorous onslaught of its enemies, but as well the *apologies of its hypocritical friends*, whose cowardly acts have really been more deadly in character. And yet * * * the law has sustained itself. There is less of liquor drinking * * * and less of crime. There is 'boot-leg' vending in some localities."

Governor Larrabee, in his biennial message in 1888, reports:—

"Much progress has been made in the enforcement of the prohibitory law. Not only has public sentiment much improved in relation to it, but judicial officers are more disposed to secure its enforcement. Many judges give strong testimony in its favour, showing that where it has been well executed, there has been a marked reduction in criminal offences, and also in court expenses * * * There has been a marked improvement in the condition of our poorer people.

"While there is very little difficulty in enforcing the law in the rural districts, and in a very large majority of the counties, there are still a few portions of the state, particularly some of the larger cities, where the law is not enforced * * * In Des Moines, Sioux City and Cedar Rapids, the prohibitory law is now, and has been for the past year, well enforced."

In 1888, opinions of district and superior court judges were obtained respecting the working, etc., of the prohibitory law, and several of them advised its repeal.

Governor Larrabee, in a communication dated 16th February, 1889, states: "I think that more than half of the jails in the state are entirely empty at the present time. There are 98 less convicts in our penitentiaries than there were three years ago, notwithstanding the growth of the population."

Governor Larrabee, in his message, 1890, says: "Not one-tenth, and probably not one-twentieth, as much liquor is consumed in the state now as was five years ago. Nearly all judges are now disposed to enforce the law. The law should be amended so as to prevent undue searching of private houses and malicious prosecutions. The law has been more successful, and by far more beneficial, than its most hopeful friends anticipated."

The following table gives a comparison as regards the number of convicts and prisoners in penitentiaries and jails in Iowa under prohibition, and in Minnesota under high license, respectively:—

IOWA (Prohibition).

| Population. | Convicts in penitentiaries and jails. | | Per 1,000 of population | Average per 1,000. |
|---|---|---|---|---|
| 1,911,896 | 1890—Penitentiaries.. | 623 | 0·326 | |
| | Jails..... | 327 | 0·171 | ·497 |
| 1,624,615 | 1880—Penitentiaries.. | 546 | 0·336 | |
| | Jails..... | 255 | 0·157 | ·493 |

MINNESOTA (High License).

| | | | | |
|---|---|---|---|---|
| 1,301,826 | 1890—Penitentiaries.. | 432 | 0·332 | |
| | Jails..... | 208 | 0·160 | .492 |
| 780,773 | 1880—Penitentiaries.. | 248 | 0·317 | |
| | Jails..... | 105 | 0·136 | ·452 |

The number of special liquor taxpayers reported for the year ended 30th June, 1893, was, for Iowa, 6,607; for Minnesota, 4,323. Taking the population as reported in the United States census returns, 1890, these figures give one special liquor taxpayer to each 301 of the population in Minnesota, and one to 289 of the population in Iowa.

The increase of the population between the years 1880 and 1890 was in Iowa 17·68 per cent; Minnesota, 66·74 per cent.

Supposing the increase to have continued in the same ratio for the years 1891, 1892, 1893, the population of the two states would be, in 1893, about as under:—

Iowa.....1,999,000
Minnesota.....1,459,000

The special liquor tax payers in Iowa would thus be one in 303; Minnesota, one in 337, of the population.

In Appendices Nos. 161 to 168 inclusive, statistics of arrests in several of the most important towns and cities of this state are given. In Appendix No. 136 a comparison of those arrests with those in other towns and cities in the States and Canada is made. The statements of these arrests in Iowa presents so many anomalies as to lead to the conclusion that they are not in all cases perfectly accurate.

Prohibition in this state has not, however, apparently had the effect of reducing the number of arrests for general offences or the arrests for drunkenness below the ratio of those in places elsewhere under license.

Much valuable information respecting the operation of the prohibitive liquor laws of this state is given in the report made by Mr. E. L. Fanshawe, Barrister-at-law of the Inner Temple, London, elsewhere referred to in this report. Mr. Fanshawe visited the State. He refers to a report made in 1885 by Senator Sutton on the working of prohibition in Iowa, in which that gentleman remarks that "prohibition has done great good wherever the field was prepared for it, and where the people wanted it, and would elect public officers to enforce it, and has restricted the traffic in places like Iowa city and Muscatine, even where only a minority favor it, but where that minority is determined and aggressive." (p 154).

Mr. Fanshawe says,—"In the river-side towns the law at the present time is generally and openly violated, as is fully admitted by prohibitionists who are at all familiar with facts. At Davenport there is no sort of concealment. At the principal hotel the "lunch-room" opens out of the "billiard-room." It consists of an ordinary bar without any screen or curtain." (p 155). He says that under license liquor was sold in about fifty places in Davenport, and the number of such places now approaches three hundred.

Mr. S. F. Smith, a resident of Davenport, and president of the Bankers' Association of the state of Iowa, said, speaking at Davenport: "The prohibitory law is not enforced at all, and there are two hundred and ten saloons open at all times, each saloon-keeper paying what is virtually a license fee of $300 per year, selling what he likes. The fine is paid every three months in advance. The police force is comparatively small. There are some breweries running there, of course contrary to law. Mr. Smith said the law is fairly well enforced in the larger portion of the state, but not in the river towns of which Davenport is one.

Speaking of the state of matters in Sioux City, with a population of about 38,000, and which ranks as the second city in the state, Mr. Fanshawe says: "By a municipal ordinance the liquor dealers are compelled to make a monthly payment to the city. This payment, being exacted as a fine for violation of the law, is not in form a license fee, but in effect operates as such.....Fines levied for breach of a municipal ordinance go to the municipality. Therefore, by passing an ordnance ostensibly for the purpose of enforcing the state law, a municipality is enabled to institute proceedings thereunder, and appropriate to itself the fines. The arrangement thus introduced in Sioux City is obviously in fact, though not in name, a return to a licensing system in defiance of the prohibitory law of the state (p. 157).

"A greater measure of efficiency is justly claimed for prohibition in the interior of the state than that which it has achieved among the riverside towns. But even

in the interior it can hardly be said to be attended with any marked success in the larger centres of population. I visited two out of three cities in the interior whose population exceeds 10,000. In Cedar Rapids the business is carried on much less openly than in Davenport or Council Bluffs. The saloons do not publicly proclaim themselves on the street front, but a prohibitionist of the place who had been an earnest worker for the enforcement of the law told me that there were a good many of them, and that they carried on business with little or no interference (p. 159).

Amongst those who gave evidence before the Commission, during their visit to the state, were several important witnesses from whose testimony the following synopses are made:—

Hon. Horace Boies, Governor of Iowa, stated:—"I suppose everybody understands my view of this law. It has been a matter of public discussion in every campaign in which I have been interested since I came into public life, and my speeches are of course familiar to all the people of the state. I ought to say that there is a division of sentiment in this state, a very wide division, as to the correctness of the conclusion I have reached. There are a great many people in this state who honestly believe that the prohibitory law is a good thing, that it lessens crime, that it is good from a moral point of view. For my own part I am just as thoroughly satisfied that they are wrong,—that the law is a bad law from every standpoint. I do not mean to say by that that in no part of Iowa is the law enforced, because that is not true. Wherever public sentiment upholds it, wherever a large majority of the people are opposed to the traffic in intoxicating liquors, the law is reasonably well enforced. But, on the other hand, where you get into a locality where the public sentiment is opposed to the law it is there that the law is worse than a dead letter. We have to-day in some of our cities ordinances passed for the sole purpose of licensing saloons in direct violation of the statute of the state. These ordinances are usually against disorderly houses, with the understanding that each saloon or place where intoxicating liquors are sold shall be classed as a disorderly house and each month the keeper of the saloon is notified to appear before the board, and a certain fine, which is the same in all cases, is imposed. He pays that fine and also the costs of the transaction, and considers that his license fee. That is the practice that prevails. And, with the exception of Des Moines, I think the saloons run openly, as openly as they ever did, in all the large cities of the state. But once in a while some friend of the law goes into one of those saloons and takes steps to enjoin the place, which anybody is entitled to do under the law; and for a few days or weeks, or possibly months, the saloon may be suppressed. In this city we have no open saloons, and yet I know that it is publicly charged that there are a great many places where liquor is sold. I do not know that of my own knowledge, for I have never entered one of these places. I see, as well as anybody, the evils that arise from the excessive drinking of intoxicating liquors, but I do not believe that this is the way to remedy them. I think the system in this state has thrown the business into the hands of our worst classes, and there being no inspection of the class of liquors sold, the cheapest and most injurious decoctions are dispensed. In other words I think we have the uncontrolled saloon where otherwise we should have the saloon controlled by the people.....It has put the business into the hands of a worse class of people than would be engaged in it under a license system, and the class of liquors sold, there being no way of inspecting them, or determining what they are, has been of the worst and cheapest class on which the vendor could make the largest profit."

Comparing the amount of temptation to drink under a license system, and with the secret drinking of a prohibitory system, he states:—"There is a wide difference of opinion amongst our people on that subject. So far as I am personally concerned I believe that the present system is a worse one for the young than the license. I know that a great many of our people believe that open saloons fitted up in a tempting manner are more enticing to the youth of the country, and that more are led to adopt the habit of an excessive use of liquor than would be under our present system. But, on the other hand, the intoxicating liquors that are purchased at these places now are purchased largely by the bottle and put into the coat pockets and

carried away, and young men get together in some room or some by place and consume them there. Now, my opinion is that more boys are taught to drink intoxicating liquors in this way than would ever contract the habit if they had to go into a saloon and buy liquors by the drink. In other words I believe they drink in a place of that kind when they would not go into a saloon and drink at all."

Speaking of the political aspect of prohibition he stated that the question of prohibition has been "made a party political question in both elections in which I was elected governor of the state," and continues:—"Ever since the enactment of the law, the Democratic party has opposed it in one form or another. Up to the time of my first election as governor, the platform of that party was in the same general terms. In substance it would be something like this, that they declared in favour of a well regulated license system, which would leave the opportunity for different constructions of the position of the party. When I was elected for the first time, the party took a more definite position on that subject. They declared in substance in favour of a local opinion law which would permit cities, towns and townships to determine for themselves whether they would have license system, or whether they would have a prohibitory law. They declared further, that, in the event of a license system being preferred by any of these municipalities, the fee should be at least $500, to be paid into the county treasury, and to go to the general support of the county expenses. They declared further that the power should be conferred upon the municipal authorities of each municipality that declared for license to add any additional fee they saw fit for the use of the municipality. So that if that policy ever became the law of our state, no license could be issued for less than $500, and it might be just as much more as the municipal authorities saw fit to add. At the time of my second election, that plank in our platform was readopted, and that is the position in which the democratic party have stood now for nearly four years, and on which they carried both the elections in which I was elected governor. ..... Republicans have stayed with the Republican party and supported prohibition though honestly feeling that it was not the true method of dealing with the question..... I think in both campaigns it (the Republican party) practically pledged itself to the maintenance of the law." (Vol. 5, pp. 236-239.)

Hon. W. M. McFarland, secretary of State of Iowa, said that there had been a great deal of legislation and attempted legislation on the liquor question in the state. "I suppose it has been uppermost since we started it as a local issue. It has been made a party political question. The Republican party has taken it up. After a non-partizan election, the Republican party espoused that proposition, and carried it through two legislatures, and did amend the constitution in that respect. You are probably acquainted with the procedure that took place before the Supreme Court by which that amendment was declared null and void in consequence of its not being carried in pursuance of the provisions of the constitution. Then the Republican party, feeling under an obligation, proceeded to carry the legislation out in the form of a statute, and we have our present law as the result of several acts." Continuing, he describes the result as pretty badly mixed, there being fairly good enforcement of the prohibitory law in sixty out of the ninety-nine counties in the state whilst "in the other thirty-nine counties the law is not as well enforced as other laws," and admits that there are twenty-nine breweries taking out licenses in the state, though some are only "preserving the property in the event of start-up again in case the law should change," and, also, that there are 7,619 United States Government licenses taken out in the state of which "a large number would be for those selling or intending to sell illegally." Where the prohibitory law has been enforced he thought the result had been good. He considers that the effect of disregarded law is bad, and says: "My opinion has been that under existing circumstances we should so modify our present law, by an amendment, that those communities where the law is absolutely nullified, and not enforced at all, might be allowed to control the traffic. That has been my judgment and my recommendation through the public prints here, so that I do not hesitate to make the statement.....My idea is to leave prohibition as the general law of the state, but

to allow a community to substitute license where prohibition cannot be enforced. Then it would not be necessary for any county that wanted to retain prohibition to do anything, while those who wanted to withdraw from the law and license and regulate the traffic could do so.....The cause of prohibition would be better served by allowing communities to settle the question for themselves than by spreading it out over the whole state and making a party issue of it." (Vol. 5, pp. 240–244).

Hon. John M. Baldwin, counsellor-at-law of Council Bluffs, speaking of sales of liquor in drug-stores, says:—"It is peculiar to large cities, and cities adjoining the river, and to certain counties where the sentiment of the people is strongly against prohibition. In those counties where the sentiment is for prohibition, the laws with reference to prohibition are enforced as well as any other laws with regard to crimes and misdemeanours. There are evasions, the same as there are of the law against murder, but murder is committed, and the law against thieving but people steal. We have the boot-legger and I suppose that under certain shifts and devices the druggists sell" and again: "If Iowa were simply one country by itself, prohibition would be a good thing to close every saloon and stop the manufacture of liquor all through the state." He sums up his evidence thus:—"With public sentiment every law can be enforced; without public sentiment no law can be enforced. I think it (the liquor traffic) should be regulated by license. I would prefer to have an option, to leave it to each particular community to determine. I think it (the effect of prohibition on the community with regard to law as a whole) is deleterious. There is an open disregard of law that affects the community generally." (Vol. 5, pp. 222–223).

Mr. J. A. Brewer, of Des Moines, Deputy Collector of Internal Revenue for the United States, testifies that:—"Prohibition has certainly done this country a great deal of good. It has had a great effect. We have driven the liquor traffic from the public streets to the back alleys and the lumber yards. There are two classes of people politically in this state. The Republican party as a mass are prohibitionists. They voted prohibition. The people asked for it, and they gave the people prohibition and they are willing to stand by it. The Democrates are opposed to prohibition, and have done everything in their power to show that prohibition is a failure. But don't forget that prohibition is just the thing anyway. It is all wrong to license a crime. The liquor traffic is the mother of crime." He also states that he issues 260 United States Government licenses in Polk County, in which Des Moines is situate, and that these licenses are used by illicit liquor vendors. (Vol. 5, pp. 245-248).

Mr. J. C. Broeksmit, of Cedar Rapids, Auditor of the Burlington Cedar Rapids and Northern Railway is a prohibitionist, but admits that as far as the law goes "the state of public sentiment has all to do with the enforcement. Where the people are in favour of it, it is rigidly enforced." Speaking of prohibition he considers that it has done a great deal of good. The company employ probably 2,000 men. The effect of the constant violation of the prohibitory law upon the public conscience "can only be the greatest anarchy within the next fifty years. It is only sowing the wind to reap the whirlwind; it is sure to come. The law should be upheld at every hazard." He said that in Cedar Rapids the prohibitory law is not enforced, owing to the foreign population, but an arrangement exists that "is worse than black mail" on the part of the city—"we have a Democratic administration." The Democrats and the liquor power get together and say to every man that he can do as he pleases. They say: "we the city government will not molest you, and you may go on as you like, if you come to the scratch every month with $25. I know for certain that the mayor of the city has stated, "if they do not come to the scratch, I will close them up," while, on the other hand, he gives us to understand "that he cannot close them up." (Vol. 5, pp. 279–281).

Mr. Edmund Burke, chief of the fire department of Clinton, stigmatized an attempt which had been made to enforce the prohibitory law in that place as a flat failure. "It succeeded so far as causing a great deal of trouble and excitement, but

so far as the enforcement of the law is concerned it did not succeed. While it succeeded in closing the public saloons, there would spring up in their place lunch counters, where beer and whisky were sold. We had a good many of them, and also of places that are called holes-in-the-wall. Another thing that was practised a great deal was parties getting together and buying a keg of beer and going out on the flats and drinking it. There was a great deal more of that than I have noticed before or since. A great many boys were in the habit of drinking that way." The attempted enforcement ceased when a man named Marshall Judge who had been acting as informer was spotted and nearly lynched for shooting "a man through the bowels," a riot ensuing and the jail being "wrecked." (Vol. 5, pp. 286).

Mr. C. W. Chase, of Clinton, counsellor-at-law, formerly mayor of Clinton, stated that there had been spasmodic efforts to enforce the prohibitory law. His own attempt to enforce the law caused trouble and illicit selling, and ended because the judge declined to work. He accounted for the sentiment of the community being opposed to prohibition, "because of the effect it has on politics. Men who are in favour of prohibition are in favour of free whisky, or license at election times so long as they can control the floating vote. Furthermore, when you elect to office a man in favour of prohibition, and he undertakes to enforce the law, when his time is out they will see that the next man is not prohibitionist." Referring to the existing system of virtual license he said:—"I do not know that the effect upon the public conscience is any worse than it is to have a prohibitory law with everybody selling whisky free. Both of them are violations of the law * * * I think at this time the majority of the people prefer the present arrangement to prohibition unenforced, because you do not have any more whisky, and you get a revenue from the saloons from which public improvements can be made * * * We have as little crimes as any place of the same size under the same circumstances. There are other laws evaded in the city of Clinton besides this. The Sunday law and the law relating to gambling houses, and to houses of prostitution, for instance. Money is got from them in the same way * * * as men are, I believe it is better to have a license law than prohibition. As long as men are influenced by rabble voters, and the question has a political bearing, I think it impossible to keep men in office who will enforce prohibition. License is better than prohibition not enforced and it amounts to that * * * I believe local option is a humbug." (Vol. 5, pp. 300–304). Mr. Chase said that both in Clinton and Lyons, a place near by, breweries were being run contrary to law.

Mr. Walter Dale, of Clinton, wholesale liquor dealer, said: "The records will show that there was more drunkenness during the two years of Judge Chase's administration than ever before * * * He brought in spies and appointed them on the police force, but they were not here long. He made a monkey out of the whole question. At the present time Mr. Hughes is getting more out of the traffic than ever before. We have quiet orderly people and everybody is satisfied." (Vol. 5, p. 315).

Mr. William P. Daniels, Mayor of Cedar Rapids, and Secretary of the International Organization of Railroad Conductors, having given evidence as to the spasmodic efforts at enforcement of the prohibitory law culminating in the virtual local license, said: "The public sentiment of the people of Cedar Rapids to-day, I believe, has amply demonstrated itself as in favour of permitting and controlling the liquor traffic * * * I believe that we shall be able to control them (the saloons) so far as to keep them orderly and respectable—as respectable as saloons can be. I think we shall be able to close the lower class, the groggeries and dives. My experience is that the very worst places for boys or young men, the places where they learn the use of liquor and get into drunken habits, are those holes-in-the-wall that respectable people know nothing about. They are generally in out-of-the-way places, and are carried on by a class of people who would sell to a ten-year-old child as quickly as to any one else; and a boy going into one of those places is perfectly free from being caught by his parents or by any one interested in his welfare." (Vol. 5, pp. 269–274.)

Rev. Henry DeLong, of Council Bluffs, Methodist minister, gave interesting testimony as to the effort to enforce the law made when it was first passed and said: "I took upon myself the duty of enforcing the law through the search warrant, and I used to have sometimes thirty or forty warrants in my pocket. I could not get a regularly-elected officer to serve the warrants faithfully; he would slip into a telephone office and telephone to the fellow that he was coming. All he wanted was the fees, so the law was amended so that I could be deputized as a special officer for a special case. So I went myself and executed the warrants * * * I was in the fight four or five years. I had no trouble in closing up a saloon that would not pay the lawyers, but, where they did pay the lawyers, instead of my getting a case against them, they would get a case against me * * * For instance, I went into one saloon, and the saloon-keeper's wife went at me with a hatchet, and the saloon-keeper went at my assistant with a revolver. They indicted me before the grand jury for assault, and they bound me over for personating an officer, and for burglary in breaking into the place. These cases were pigeon-holed, and never brought to trial * * * I saw I was putting the county to considerable expense, and just making money for men who were getting fees both from the county and from the saloons * * * Then I came to the conclusion that it was no use, and I stopped. I could have made money out of it, but what I wanted was the law enforced * * * For instance, if I had a warrant against a saloon-keeper, he would be willing to give me fifty dollars if I would give him time to get out of the way * * * If I were just made a constable I could shut up every saloon in Council Bluffs, because then I could get pay for my work and afford to spend the time necessary." (Vol. 5, pp. 229–230.)

Mr. Templeton, city marshal of Council Bluffs, said that in the year 1892, there was received by the city as a revenue from persons engaged in selling liquor, of course illicitly, $46,000, and that in May, 1893, there were 78 places in the city in which the traffic was carried on, not including drug stores.

The system, for it had been reduced to a system, was to have a warrant issued and each liquor dealer notified on the first day of each month of such warrant, and that he must come in before the 10th day of the month and put up $52.10 for his appearance the next morning. He would not appear and the money was forfeited. the $50.00 being a fine and the $2.10 for Marshal's fees. Thus each dealer paid a monthly fine of $50.00, which meant a yearly license fee of $600, besides the costs. The revenue was more than sufficient to meet the expense of the police department, there being a chief with sixteen men, besides the marshal's department with four in it. The marshal stated that Council Bluffs would compare favorably with any place in Iowa. This officer, speaking of the interior of the state generally, said,—"I have the first place to find yet where I cannot "get liquor, although I am not a drinking man." He further stated that he thought, in the rural districts, the majority of the liquor was sold in so called drug stores. Instancing a friend of his own son who went into the drug business without knowing anything of it, he had a patent medicine business, but had a room at the back of the store where the corks were flying while witness was there.

The Mayor of Council Bluffs, in his address and recommendations to the City Council in April, 1893, spoke of the City Marshall as follows,—

"The report of the city marshal shows that he has collected and paid into the hands of the city clerk $46,234.15. This has been accomplished in a great measure through his energetic and official attention to his official duties. I desire to avail myself of this opportunity to extend Marshal Templeton and his deputies my thanks as mayor of the city for the valuable assistance rendered by them to the police department. No petty jealously has marred the official action of either the marshal's or police department, but, on the contrary, the members of each have in an emergency mutually assisted each other with hearty good will."

E. R. Mason, clerk of the Circuit Court of the United States, stated that it might be said that the law is pretty rigidly enforced in Des Moines, bnt there are many places in the city where intoxicants are sold under the protection of the pharmacy law, places known as drug stores, at which, under a permit to sell for medicinal

purposes, liquor is sold to all comers, the observance of the law depending on the conscience of the druggist. Then there are places in the town wherere people do a boot legging business.

Chief of Police Fred. Johnson, stated that there is a police force, including detectives and health officers, of 42 men; that there is considerable drunkenness, there being some sixty odd drug stores in town to which the judges of the District Court have granted permits to sell intoxicating liquors, and that is where the people get their drinks; that they also have joints where what is called "boot-legging," is carried on, and the lower class of men go to the joints, and the better class to the drug stores. He said they have clubs in the city with which the police do not meddle, and at which the members drink liquor socially. The arrests the previous year had been about 3,100, quite a good many of which were for drunkenness.

Mr. Frank Eggleston of Des Moines, Police Judge, in answer to the question:—"Do you think the prohibitory law is as reasonably enforced here as laws against other offences?"—said:—"Perhaps not, and that is probably due to this reason. It is a law that a great many people, who are law abiding citizens in other respects, will not hesitate to violate. They think it is no crime to sell intoxicating liquors. While they know it is against the law of the state, still they think it is the right of the citizen to drink intoxicating liquors if he wants to, and they think this law deprives them of some of their rights. They think the selling of intoxicating liquor is not a crime in the sense that you would say stealing and a great many other things are crimes, and while they would not think of upholding those classes of crimes, they are not in favour of the enforcement of the prohibitory law that is the reason it is much harder to enforce this law than other laws." (Vol. 5, p. 265).

Mr. Fred W. Faulks of Cedar Rapids, editor of the *Evening Gazette* said:—"In the localities where they would not allow a saloon under any circumstances, no matter whether license or prohibition were the law, prohibition has been a success because the law was not needed to make it a success." He gives the following account of matters under the prohibitory law:—"Then the lawyer would have served original notice on the saloon keepers. He would serve a notice for a suit for $1,000 or or $500, or $5,000 or any amount he saw fit, and it was stipulated that one half should go to the school fund and the other half to the informer, I believe. Then he would get the saloon keeper in his office and settle for $100, $150 or $200. and pocket the money. The school fund got nothing, and the county paid in advance the costs of any proceedings that might have been taken." (Vol. 5, pp. 277-278.

Mr. Faulks said that in Iowa prohibition had been made a party political question, the Republicans having made it a plank in their platform. In the rural districts he had known many places where some farmer would go to the city and regularly cart out his load of beer for distribution among the farmers of the locality. For some years there were hundreds of agents travelling through Iowa taking orders for whisky to be shipped in barrels, boxes, kegs and jugs, and in every imaginable way, while during the last few years there had been no trouble in securing it at the drug stores anywhere. At one time there were 240 places in Cedar Rapids selling liquor, whereas in the old license days they had 40.

Mr. W. C. Howell, Assistant United States Attorney, speaking of Keokuk, says: "That city by an ordinance called 'The houses of public entertainment ordinance' licenses persons upon a payment of $400 a year, payable quarterly to sell beverages not contrary to law. Under that ordinance the saloons run openly. There are about thirty of them. They are run under strict police regulations, which require them to close up every night at eleven o'clock, and to close on Sunday. That system operates just the same as a regular license system. Under the ordinance the saloon keepers sell beer and whiskey, and every kind of intoxicating liquor. No persons except a man who runs a saloon is required to take out a license of that kind. If a saloon keeper violates a police regulation, such as selling to minors, or selling on Sundays, the authorities refuse to renew his license, and he is prosecuted under the prohibitory state law for selling without a license. That is a case in which the machinery of the state is

used for punishing a violation of the city ordinance, which itself violates the state law." In another place he says: "One of our parties, the Democratic party, has largely—not expressly in state utterances, but in the action of its officials—placed itself in the attitude of favouring the violation of that law. And where you have a large political party taking that position, it is impossible to keep the same sentiment out of the jury box. There is no question in my mind that to-day the prohibition law would be enforced in every part of it like any other law; but, where you find a city or a community controlled by that party you find the law nullified and set aside. On the other hand it is largely true, that where you find a a city or community controlled by the Republican party, the law is enforced, and the sharpness with which it is enforced depends largely upon the extent to which you have that feeling. (Vol. 5, pp. 251–253).

Mr. E. A. Hughes, Mayor of Clinton, states that in Clinton the prohibitory law 'was partly enforced, at no time fully" and compares the merits of the system of enforcing the law, and that of periodical fining for breaches of the law, thus "The best idea I can give you of it is that under Mayor Chase's administration the city received in his last year for fines and licenses $1,104. Under Mayor Gobble's administration, when the fining system was in force, the city received in the first year from these two sources, $14,000, and in the second year, $16,060; and in the first year of my administration the city received $27,800 from the same sources." (Vol. 5, pp. 282–285).

Mr. N. D. Lawrence, M.D. Council Bluffs, speaking of the success which attained the efforts at strict enforcement said there had been "none at all. As soon as you closed a saloon, the 'holes-in-the-wall' would spring up, and there would be more crime and disorder, and more drunkenness." (Vol. 5, pp. 233).

Rev. Frank L. Loveland, Pastor of the Methodist Episcopal Church, Clinton, says of prohibition, that "it has been the means of closing the open saloon in the interior of the state," and further says:—"Our citizens will go to the mayor and the police force, and ask for protection against the violation of the laws in this city, —the violation of the laws relating to the Sabbath drunkenness, lewdness and obscenity, which is continually being carried on in the open parks on Sunday, and the open running of saloons on Sunday. There is no law in our city that seems to be regarded by either the municipal authorities, or any one else, unless a protest is raised." (Vol. 5, pp. 293.)

Mr. Christian Magnus, of Cedar Rapids, brewer, says:—"We have been closed, but not for any length of time. I have not lost anything, and I have kept my establishment in good order." (Vol. 5, pp. 268.)

Mr. Fred. Mittnacht, of Council Bluffs, agent for the Val Blatz Brewing Company, of Milwaukee, says:—"Recently I built a large storehouse in this city, near the North-Western depot in which I keep lager beer. Last winter I put in 300 tons of ice. The house is large enough to hold three car loads of beer." (Vol. 5, pp 215.

Mr. Thomas Maloney, of Council Bluffs, saloonkeeper, says:—"I am a prohibitionist myself. There are eighty places in this city for the sale of intoxicating liquors. Ten years ago this was a better town than Omaha. It was just as big as Omaha, and you see what prohibition has done for this town." (Vol. 5, pp. 215)

Mr. C. J. Schaefer, Deputy Chief of Police of Des moines, speaking of the condition of facts under license said:—"We had a great many wretched homes in the city at that time, and those who used to be great drinkers themselves are better provided for now, and attend better to their families. I know that to be so. I can cite cases to illustrate that." (Vol. 5, pp. 264).

Mr. Schaefer took the Commissioners to a cellar under the police station where he showed them a number of casks and bottles, and said these were the seizures of two days. There were 35 casks of beer, eleven of which were taken in one day, at different times of the day, from one man, who would keep replenishing his place as

soon as the seizures were made. He supposed there were from ten to fifteen "jointists" in the city in one day, and sometimes they run to as many as 24 or 25. Three or four of the regular jointists are women.

Mr. Henry C. Shaver, newspaper correspondent, of Des Moines, speaking of illicit saloons, under license, said:—"A great complaint is made that young men go to these places, and that drinking there in secret they have drunk more than they would in a public place; that they frequently get drunk there when they would not if we had open places. (Vol. 5, p. 262.) He said that at one time constables so construed the law as to claim that it gave them the right to go into a man's house and search it, and they did so and acted oppressively (Q. 3017*b*); now there is a class of men who pursue the liquor dealers for the money there is in it in the way of fees. Liquor is sold everywhere, and of the poorest quality. (Q. 3018*b*.) Every Monday morning you see the patrol wagon dumping men into the gaol who have been arrested on Sunday night. Many men carry private flasks. (Q. 3027*b*.) Speaking of Iowa City, at one time the capital of the state, at which the state university is located, he said that in that city the saloons are running openly, as openly as in Council Bluffs, and that the effort to enforce prohibition had been abandoned.

Mr. Henry Stivers, of Des Moines, editor of the *Daily Leader*, speaking of prohibition, said:—"In a large part of the state it has had the effect of closing the open saloons altogether. * * * The traffic, however, has simply been transferred to the drug stores and to private dealers. * * * We have just had a session of our Federal Court, which has been worse than the sessions of any police court. It is supposed to be the most dignified judicial body we have in America, and it has just put in three weeks here doing police-court business—calling a lot of niggers and low-lived fellows up for boot-legging. We had jurymen, the most respectable men we had in the state, and their whole time was given up to that petty business. That is nearly all the business of the Federal Court now—tracing and dragging up these boot-leggers." (Vol. 5, pp. 257-258.)

Speaking of Des Moines, Mr. Stivers said:—"In practice there is liquor everywhere (Q 2977*b*); all the druggists sell liquor, and sell all they possibly can (Q 2981*b*), and drunken men are seen on the street."

Ex-State Senator George F. Wright, counsellor-at-law, of Council Bluffs, said:—"I will be fair with you: I think the agitation in the state of Iowa has been a fine education of the people, and that as a consequence we are to-day a more temperate people than we were ten years ago. The public sentiment has been elevated." (Vol. 5, p. 226.)

Mr. George B. Young, of Clinton, counsellor-at-law, speaking of the prohibitory law, said:—"In some counties, especially border or river counties like this, it has always been difficult to enforce it. Here the enforcement has been largely, you might say, at the point of the bayonet. With the liquor sellers, it has been a matter of cold business—dollars and cents; with us temperance people, it has been a matter of what we might term purely sentiment or principle. * * * But just how the law is enforced to-day in the counties of Iowa, I could not say; I doubt if it is absolutely so in more than half the counties in the state. * * * I have been forced to the conclusion that the wiser course may be to pass what we know as an option law." (Vol. 5, pp. 287-289.)

Mr. Young further made the following statements:—"But the reason my mind has changed on the question of the prohibition law is based on two causes: the difficulty of enforcing the law in large places, in the larger towns, and the further fact that the non enforcement of the prohibitory law has tended to bring all law into disrepute seriously. That to me is the saddest feature of it all. Take my own city here. We have anywhere from sixty to eighty open saloons running in direct violation of a law, which was most solemnly enacted; but they are what you might term blackmailed by the officials here. They are paying $25 a month each, with the tacit understanding that if they pay that, the officials will not molest them, which to me is nothing more or less than blackmail on behalf of the authorities. At the same time, public sentiment is such here that, if a vote were taken in this city to-day on

the question, the people would vote for these officials to go right on doing as they are doing; they get quite a large revenue as the result. As I say, the saddest feature of this whole prohibition law is the tendency that it has had to bring all law into disrespect and disrepute. People seem to get the opinion that if it is popular to violate one law that can violate all others. If a dozen of the most prominent and wealthy citizens here were to endeavour to enforce this law it would take them 24 hours each day, and 365 days each year to do it. But then business men simply cannot drop their business and make the enforcement of that law their life work." Mr. Young also spoke of the honest and brave effort made by Mayor Chase to enforce the law, and said: "he did not seem to have the moral and financial support of the people. He was obliged to drop his own business to undertake to enforce that law; in the latter part of his term of office, it was not enforced. It became so burthensome that he could not carry it on alone. He had to make the complaints himself and prosecute the cases himself." (Q. 3366*b*—3369*b*—3376*b*.)

The members of the Royal Commission who visited the Western States, Mr. G. A. Gigault, the Rev. Dr. McLeod and Judge McDonald, with Mr. A. Horton, stenographer, spent Sunday the 21st May, 1893, at the city of Omaha, in the state of Nebraska, which is a high license state lying on the west bank of the Missouri, just across from Iowa. Omaha and Council Bluffs (the latter being in Iowa) are connected by one or more bridges.

The Commissioners had been informed by a witness in Kansas that the Sunday law was enforced in Omaha (Q. 1022*b*), and that on Sundays people would cross the river to Council Bluffs and do their drinking there (Q. 2286*b*.) The experience of Commissioners was that Omaha was quiet and orderly on Sunday, and no drunkenness was seen, while one of them, who went over to the Iowa side of the river on Sunday afternoon, noticed a saloon, the front door of which was open, and going in found men before the bar drinking. Four glasses of lager beer were called for and taken in his presence. He saw a drunken man on the street, and also saw many saloons with signs openly displayed and men going in and out of them by the front doors.

On Tuesday the 23rd May, 1893, the commission entered upon its investigation in Iowa. Mr. Gigault, one of the commissioners started for home from Omaha on the previous day. Council Bluffs was the first place visited. The population of the city in 1892 was 21,409. In his "address and recommendation," to the city council dated 3rd April, 1893, shortly before the visit of the Commissioners, Mayor Lawrence said: "We have a prosperous city whose growth is steady and uninterrupted, possessing a great number of desirable homes, miles of paved streets lined with an abundance of elegant shade and ornamental trees; beautiful ond picturesque parks, enchanting drives and more lovely suburban surroundings than any city in the west. The city also possesses twenty-seven churches, many of them fine structures, a public school system unsurpassed for excellence, with seventeen school edifices, erected at a cost of nearly $200,000. An excellent system and supply of electric lights, an efficient and well equipped fire department, and a water system capable of supplying with abundance of water a city of 100,000 inhabitants. Again our city is a great railway centre, situated commodiously in the heart of the continent, on the most important highway leading from the Atlantic to the Pacific, in easy communication with all the great centres of civilization, and, it might be added, only a few minutes distant from a city of still greater magnitude."

The Commissioners saw open saloons and called at two of them and took the statements of the proprietors or barkeepers (Thomas Maloney and Fred Mittnacht). The last named had a place of business on Broadway, called "The Mountain Liquor House," which was quite liberally plastered with signs in reference to the proprietor's business. On the front window was the sign "Mountain Liquor House, fine liquors, jug trade a specialty, fine wine." In one window was a placard bearing the words, "best whisky,—ten cents a drink." In the windows were displayed a large number of bottles and flasks labelled as follows: "Pure stout mash whisky, 30 cents a flask"; "Extra fine rye whisky, 20 cents"; "St. Jacob's bitters, etc. In this

shop was found a large number of casks and bottles, and a long counter behind which was a bartender selling liquor.

From Council Bluffs the Commissioners went to Des Moines the capital of the state, arriving at a late hour. The Des Moines *Leader* of the following morning (24th May, 1893), after some preliminary remarks as to the arrival of the Commissioners and the work in which they were engaged, said :—

"If the distinguished visitors from the Dominion are really seeking information and will consent to place themselves under the guidance of any private citizen and carefully avoid association with officers during their visit to Des Moines, they can easily gain access to not less than three hundred places in Des Moines where liquor is sold.

"If they will call upon the federal district attorney he will tell them that the revenue collector for this district has granted three hundred government licenses in Des Moines alone for the sale of liquor. If they will visit the district court and inspect the records, and later call upon the justices of the peace, the police judge, the chief of police, they will strike a lead that will open up a mine of information. They will discover that two-thirds of the culprits arraigned and tried in the federal court at the term now in progress were arrested for violating, not only the government revenue laws, but the state prohibitory law. The gentlemen will remain in Des Moines two days, and if they follow the course indicated the reading of their subsequent report will awaken lively interest in Des Moines."

The Commissioners were kindly received by His Excellency Governor Boies, Mr. Secretary of State MacFarland, and many others upon whom they called. (Q. 3073*b*). While at the police station the deputy chief showed them casks and bottles in the cellar, which are referred to in his evidence.

Upon fences in several places was noticed a placard which read as follows:— "The best whisky in America, distilled, aged and bottled at the Mount Vernon Distillery, guaranteed strictly pure; fully matured before bottling." In the centre of the placard was the picture of a bottle bearing a label containing these words:— "In square bottles only; for sale by all retail druggists; wholesale only by C. H. Ward."

On the evening of the same day through the kindness of Messrs. Stevens, proprietor and A. Moore, city editor, of the Des Moines *Leader*, one of the Commissioners was afforded an opportunity of seeing something of the system or systems in practice in Des Moines. Four or five drug stores, quite close together, and all near the post office, were visited. The front part had usually much the appearance of an ordinary drug store, there being in the window large jars with coloured liquors in them, while the counters were covered with show cases in which were cigar boxes. At the rear was a large wooden screen—in some or all cases labelled "dispensary," behind which was found a room in which more or less liquor was stored, gin, whisky and beer being seen. Here were men drinking from glasses being served at the counter from bottles, some of which were labelled "lager beer," and others labelled "whisky," and there were no medical certificates or affidavits asked for. Two of these drug stores had an entrance from the rear into the rotunda of one of the principal hotels in the city, and in both of these intoxicating liquors were seen to be sold and drunk. A visit was made to a cigar and tobacco store. Passing through it and through a swing door at the rear end, access was had to a fully equipped drinking saloon, in one side of which was a large bar with a bartender, and in this room sixteen men were found. Subsequently two clubs were visited. To the first admittance was obtained by Mr. Moore knocking at the door. There were several rooms, among them an elaborately equipped bar in which liquors were exposed as they would be in a saloon, and at which several men were drinking what appeared to be beer, and there was a coloured bartender. There were a billiard room, a card room and a room in which a number of men were sitting engaged in conversation, reading papers, &c. It was stated that this club had 150 members who were admitted on payment of $5 each, no further fee being required. Mr. Moore had a latch key for the outer door of the second club visited, and in this place was found a number of men who resembled mechanics, some of whom were sitting in a room with a keg

of beer among them from which they were drinking. There was also a billiard room, a smoking room and a card room, but in neither of the clubs was card playing going on, and all the men seen in both these club rooms appeared to be perfectly sober. It was stated that the second of these places was a workingmen's club with a membership of about 100, and an entrance fee of $2.50.

All the places visited, the drug stores, the saloon and the clubs, were within a limited area. An offer to show many other places throughout the city where liquor was illicitly sold was declined, as arrangements had been made for the Commissioners to leave the city at 11 p.m.

The Commissioners left Des Moines the same night. It may not be out of place to say that in honour of the birthday of our Gracious Sovereign, Her Majesty Queen Victoria, a part of "God Save the Queen" was softly sung in the rotunda of the hotel at Des Moines on the night of Wednesday the 24th May, 1893.

The investigation of the Commissioners was resumed at Cedar Rapids, Iowa, on Thursday, 25th May, 1893. This is an inland city with a population of about 20,000 people.

The Commissioners while at Cedar Rapids visited two breweries. At one of these the manufacture of a lager beer, called by the proprietor "Good Luck," was being carried on, such manufacture being illegal. The other brewery was not in operation, the proprietor having gone into a wholesale business and importing his liquor. In the cellar was a large number of casks piled up and some men at work removing them from one place to another, and on the railway tracks, near the breweries, were fourteen box cars, seven filled with empty casks and bottles which were to be returned and to be refilled, and the other seven filled with beer packed in ice. It was stated that about thirty-five cars a month were used in Mr. Williams' business.

The Commissioners were informed that at one time there were two hundred and forty places in Cedar Rapids at which liquor was sold, while at the time of their visit there was in operation, or about to come into operation, a quasi license system under which each saloon keeper would be called upon to pay a monthly fine of $25, and the mayor said that some sixty days before the visit of the Commissioners there were about one hundred and thirty saloons in operation.

From Cedar Rapids one of the Commissioners, accompanied by the official stenographer, went to Clinton, a city on the eastern border of the state, with a population of about 15,000, and made investigation. Here were many open saloons, bearing signs announcing them as such, and carrying on business without concealment.

The next state visited was Minnesota.

In summing up what was seen and learned in Iowa the following positions may be laid down:—

1. (*a*) That in Iowa the prohibitory law has always had the support of the Republicans as a party, and the opposition of the Democrats as a party.

(*b*) That many Republicans, owing to their being opposed to the law, or to their disgust at the results of it, either voted with the Democrats or abstained from voting, and by their action brought about the election of a Democrat as Governor in one of the strongest Republican states in the Union.

2. That while many earnest prohibitionists honestly believe that in the rural districts the law is enforced, the fact is that in some of those sections there would not be any saloon even if a license law were in force, or, while in some of them the drug stores for the more respectable, and the "boot-leggers" for the lower classes, supply the demand for intoxicants, in all of them liquor may from other states be lawfully brought by or sent to the citizens for use in their own houses, and men may carry pocket flasks. (Q. 3027*b*.)

3. That there is not a pretence, even upon the part of prohibitionists, that the law is well observed in the cities and towns, with the exception of Des Moines and possibly some small places, and as to Des Moines it is shown incontrovertibly, both by the statements of citizens and others, and by personal observation on behalf of the Commission, that the law is flagrantly and systematically violated.

4. That "the law as it now (1893) exists gives the drug stores practical immunity for the sale of liquors," and that in fact very many of the so-called drug stores are in reality simply saloons for the sale of intoxicants.

5. That one of the worst evils which has resulted from the working of the prohibitory law in Iowa has been that in many communities there has been begotten a contempt for all law.

But this paper may not be concluded without calling attention to the fact that, since the Commission made the inquiry in the state, the Republican party changed its front and, by the thirteenth "plank" of its platform, declared:—

"That prohibition is no test of republicanism. (Iowa Official Register, 1894, page 100).

"The general assembly has given to the state a prohibitory law as strong as any that has ever been enacted by any country. Like any other criminal statute, its retention, modification or repeal must be determined by the general assembly (Legislature) elected by and in sympathy with the people, and to it is relegated the subject, to take such action as they may deem just and best in the matter; maintaining the present law in those portions of the state where it is now, or can be made, efficient, and giving to other localities such method of controlling and regulating the liquor traffic as will best serve the cause of *temperance and morality*."

At the election in 1891 Mr. Boies had been elected by a majority of about 9,000, and in 1893 (after the adoption of the above plank) he was defeated by the Republican candidate by a majority of over 32,000. (Q. 27655).

The Legislature in 1894 passed "An Act to tax the traffic in intoxicating liquors and regulate and control the same."

The first section of the Act imposes a tax of $600 per annum upon any real property and the owner thereof within or whereon intoxicating liquors are sold or kept with the intention of being sold, and the tax is made a perpetual lien upon all property both personal and real used in or connected with the business.

The second section provides that it shall be the duty of the assessor of each township, town or city in the months of December, March, June and December in each year to return to the auditor of each county a list of places with name of occupant or tenant, and owner or agent, where intoxicating liquors are sold or kept for sale, with a full description of said property.

The fifth section of the Act provides that if the owner, agent or tenant has paid a retail liquor dealers internal revenue tax to the United States covering the time and premises as set forth in the listing of the said real estate, it shall be *primâ facie* evidence that the tax—i.e. the State tax—was properly levied.

The eleventh section makes it the duty of the person against whom or against whose property taxes as provided for in the Act have been assessed, to attend at the treasurer's office and pay the same in semi-annual instalments on or before the first days of April and October of each year.

The twelfth section provides that the county Treasurer may offer for sale at public auction at his office all lands, town lots or other real estate on which taxes for the sale of intoxicating liquors have become liens as provided in the Act.

The sixteenth section provides that "nothing in this act contained, shall be in any way construed to mean that the business of the sale of intoxicating liquors is in any way legalized, nor is the same to be construed in any manner or form as a license, nor shall the assessment or payment or any tax for the sale of liquors as aforesaid, protect the wrong doer from any penalty now provided by law, except that on conditions hereinafter provided certain penalties may be suspended."

In subsequent sections it is provided that in any city of 5,000 or more inhabitants, the tax specified may be paid quarterly in advance, on the first days of January, April, July and October, and after a written statement of consent signed by a majority of the voters resident in the said city who voted at the last general election, shall have been filed with the county auditor, the quarterly payment then made is to be a bar to proceedings under the statute prohibiting such business, provided the person appearing to pay the tax shall file with the county auditor a certified copy of a resolution regularly adopted by the city council consenting to such sales, and a written

statement of consent from all the resident freeholders owning property within fifty feet of the premises where the said business is carried on, and the business is not to be carried on within 300 feet of any church or school house. The applicant has also to file a bond in the sum of $3000 to be signed by himself as principal and by two sureties for the faithful observance of all the provisions of this Act, and for the payment of all damages that may result from the sale of intoxicating liquors upon the premises occupied.

The Act contains some further provisions in regard to selling in towns or cities of less than 5000 inhabitants.

This legislation really amounts to a recognition of the traffic, which may be carried on under certain conditions, and the payment of what may be considered as a high license fee.

## IOWA.

The United States Census returns supply the following information. No statistics of commitments to jails, or convictions for crime are available.

| — | 1890. | Per 1,000 of Population. | 1880. | Per 1,000 of Population. |
|---|---|---|---|---|
| Population | 1,911,896 | ..... | 1,624,615 | |
| Convicts in penitentiaries | 623 | 0·33 | 546 | 0·34 |
| Prisoners in county jails | 327 | 0·17 | 255 | 0·16 |
| Paupers in alms houses | 1,621 | 0·85 | 1,165 | 0·72 |
| Inmates of juvenile reformatories | 527 | 0·28 | 257 | 0·16 |

## KANSAS.

Kansas, the twenty-first state of the Union is bounded on the north by Nebraska, on the east by Missouri, on the south by Indian Territory (some of which is possibly now organized), and on the west by Colorado. It belongs to the tract of country purchased by the United States from France in 1803. Prior to 1854 it was in the hands of various Indian tribes, some native and others which had been removed from the older states. It was organized and opened for settlement as a territory by Act of Congress in May, 1854, in the midst of a heated contest on the slavery question. The slaveholders and the friends of freedom at once began a vigorous contest for the occupancy and control of the new territory, and thus it was that Kansas became the vanguard in the great struggle which resulted in the overthrow of slavery in the United States. Before the formal beginning of the war, societies were organized by the rival settlers and their friends in the state on both sides of the question, and even rival legislatures were elected and convened. The discussions frequently resulted in personal violence, and the greatest excitement prevailed until the breaking out of the civil war. During that war the state was frequently invaded, and the city of Lawrence was sacked and burned in August, 1863. It may, therefore, easily be seen that the first settlers were men of great determination of character and of strong views upon political and social questions, and in this respect the present citizens of the state are not unlike them.

The Governor of the State of Kansas, in reply to a communication addressed to him by this Commission, wrote (April 19th, 1893): "I have the honour to submit the document 'Prohibition in Kansas,' which, I think, covers most of the points referred to in your letter." (Appendix No. 76.)

No further information than that contained in the pamphlet referred to was sent. At a later date three members of the Commission visited the State of Kansas. The evidence collected by them will be found in Volume 5, and is referred to hereinafter.

The pamphlet referred to by the Governor of the State was entitled: "Prohibition in Kansas; Facts, not Opinions; Statement made by Hon. N. C. McFarland, late Commissioner of the United States Land Office, and Rev. Dr. F. S. McCabe, and endorsed by Governor Humphrey, the officers of the State, and Judges of the Supreme Court of Kansas." It was printed at Topeka by the Kansas Publishing House, in 1889. Mr. McFarland appears to have been, at the date of this pamphlet, president of the Kansas State Temperance Union. It is signed by the President, by A. H. Limerick, the secretary of the Union, James A. Troutman, ex-secretary, and by F. S. McCable, ex-president.

The document bears the following certificate:—

"Topeka, Kan., April 16, 1889.

"We have examined the statement prepared by the president and secretary, and the ex-president and the ex-secretary of the Kansas State Temperance Union, upon the subject of prohibition and its results in our state. We find it a fair, honest and true statement of our condition, and we heartily endorse it as such.

(Signed) "Lyman U. Humphrey, *Governor*,
"William Higgins, *Sec. of State*,
"Timothy McCarthy, *Auditor of State*,
"J. W. Hamilton, *Treasurer of State*,
"G. W. Winans, *Supt. Public Instruction*,
"L. B. Kellogg, *Attorney General*,
"Albert H. Horton, *Chief Justice*,
"D. M. Valentine, *Associate Justice*,
"W. A. Johnson, *Associate Justice*."

It is stated in the pamphlet that "the amendment to the constitution of the State of Kansas, forever prohibiting the manufacture and sale of intoxicating liquors, except for medicinal, scientific and mechanical purposes," was adopted at the general election in November, 1880. The liquor law, enforcing the amendment, was passed in February, 1881, and went into effect on the first of May, 1881. The pamphlet contains a quotation from an address made by Ex-Gov. John A. Martin, which sets forth the beneficial effects of prohibition on the material prosperity of the state.

In this it is stated that the population of the state was, in 1880, 996,096; that it had taken Kansas twenty-five years to attain that population, and at the date the Governor was writing, September 16th, 1886, Kansas had no less than 1,500,000 of a population. It had gained in five years half a million people. Statements in regard to the increased value of land, etc., not having any very important bearing on the question of prohibition, are referred to, and it is said that the state had, in 1880, 346 newspapers and 1,514 churches, whilst in 1885 it had 581 newspapers and 2,976 churches.

The Governor, in the same address, asks if the figures he has quoted do not establish the fact that the growth of Kansas during the six years of prohibition has far exceeded any other period of the state's marvellous development. In another part of the pamphlet (p. 6,) it is claimed that the vote of 1888 clearly established the fact that the population of Kansas was then full 1,651,000, or an increase of over 654,000 since 1880. That the school population in 1884 was 411,250, and in 1888, 532,010, an increase of 120,760. These estimates it is not practicable to verify by official returns.

Speaking of drunkenness and drinking in Kansas, the Governor of the State, on 8th April, 1889, quoted a statement made by an ex-attorney general, to the effect. "That there is not to exceed 10 per cent as much liquor sold in the State as was sold in 1880," and adds, "that other officials, in a position to judge intelligently, put it as low as 5 per cent."

The following quotations refer to crime in the state:—

"It is a significant fact connected with the Kansas Penitentiary, that the number of prisoners, when compared with the population of the state, has been steadily

decreasing for eight years past, and that there has been an actual decrease in the number in confinement during the past two years. On the 1st January, 1870, the State prisoners (not including United States civil or military), numbered 218, or one for every 1,671 inhabitants. At the same date in 1875 the state prisoners numbered 435, or one to every 1,214 inhabitants. In 1880 the number was 633, or one to every 1,573 inhabitants; in 1885 the number was 673, or one to every 1,885 inhabitants; and on the first January, 1889, the state prisoners numbered 861, or one to every 1,921 inhabitants. On the 1st January, 1887, there were 895 State prisoners confined in the penitentiary; on the 1st January, 1888, there were 898; and on the 1st January of the present year (1889) 861."

"The warden states in his biennial report that more than 60,000 criminals are serving out sentences for felonies in the prisons of the United States, or about one prisoner for every thousand inhabitants. The same ratio in Kansas would give our penitentiary 1,651 state prisoners. We have to-day a total of only 861, or not much more than one-half the number of criminals *per capita* reported for the United States."

It is assumed that when the term "state prisoners" is used it is prisoners in the state's prison who are referred to. In the United States census they are treated as "convicts in penitentiaries."

The figures referred to above, tabulated, are as follows:—

| | | | | | |
|---|---|---|---|---|---|
| 1870. | .....218 States prisoners, | 1 for every | 1,671 | of | population. |
| 1875 | .....435 do | 1 do | 1,214 | do | |
| 1880 | .....633 do | 1 do | 1,573 | do | |
| 1885 | ..... 673 do | 1 do | 1,885 | do | |
| 1887 | .....895 do | No computation made. | | | |
| 1888 | .....898 do | do | | | |
| 1889 | .....861 do | 1 for every | 1,921 | of | population. |

Turning to the United States census returns (Bul. No. 31, p. 18) we find convicts in the penitentiary given as under:—

| | | | | | |
|---|---|---|---|---|---|
| On 30th June, 1880 | ...687 convicts, or | 1 for every | 1,450 | of | population. |
| do 1890 | ...918 do | 1 do | 1,554 | do | |

It is manifest that the figures showing the ratio of prisoners for the years subsequent to 1880, quoted in the pamphlet, were either arrived at by estimating on an erroneous basis the population of the state, or there was a large decrease in the population in the years immediately preceding 1890. The decrease in the ratio of 1890 from that of 1880 was about ·05 per 1,000 of the population according to the United States census. Nebraska, in the same group of states, had in the same period a reduction of ·20 per 1,000 of its population.

The statement of the warden of the penitentiary of the state is somewhat difficult to follow. According to the census, the number of convicts in the penitentiaries of the United States on the 30th June, 1890, was 45,233 (Bul. 31). These figures, divided into the population, 62,622,250, give one for every 1,384 persons. If to the convicts in pentitentiaries are added the prisoners in county gaols, 19,538 (Bul. No. 95), the total population in these institutions would be 64,771, or one for every 977 of the population. This is not very far from the figure used by the warden of the Kansas penitentiary. But if the convicts in the penitentiaries and prisoners in county gaols in the State of Kansas on the 30th June, 1990, are dealt with, the figures according to to the United States census, would be as under:—

| | |
|---|---|
| In penitentiaries.. ..... | 918 |
| In county jails. ..... | 432 |
| | 1,350 or one to every |

1,057 of the population of the state. The ratio for the United States was one for every 967 of the population.

The states of the union are for census purposes grouped in divisions. Kansas is included in what is designated the "North Central Division." The ratio of the

convicts in the penitentiaries in this division in 1880 was 510 to each million of the population; in Kansas it was 690. In 1890 the ratio was 491 per million of the population; in Kansas 643 per million. Of prisoners in county jails the ratio in the division was, in 1880, 165 per million, and in 1890, 189 per million. In Kansas, in 1880, the ratio was 203 per million, and in 1890, 303 per million of population.

In a separate bulletin (No. 182) issued by the census office the total number of prisoners of all kinds, excepting those in juvenile reformatories is stated to be 82,329. These figures include the convicts in the penitentiaries, 45,233, prisoners in jails, 19,538, other prisoners not included in the census bulletins, 17,235. (Total 82,006.* These 17,235 are divided as follows:—In city prisons, 3,264; in the workhouse, 9,968; in convict camps in the south, 2,308; in military prisons, 794; insane criminals in hospitals, 901.

The census returns divided the 82,329 prisoners into divisions. The north central division had 19,854, and of that number Kansas contributed 1,928, The population of the north central division is 22,362,279. The ratio for the whole of the United States is one for 760 of the population.

In the north central division one for every 1,125; and in Kansas one for every 740 of the population. The Kansas figures may include military prisoners.

The following paragraph is taken from the report of the warden of the State Penitentiary, dated 1st July, 1888:—

"In 1886, Warden Hopkins, in his biennial report says: 'Crime has apparently increased much more rapidly than has the population of the country, not only in this State, but in others.' Following this was a list of States showing the increase. Among the list was Kansas, which, in 1873, had 333 prisoners. In 1880 she had 691 prisoners, making an increase of 358 in seven years. In 1873 Kansas had a population of 462,769; in 1880 a population of 996,096. In 1887 Kansas had a population of 1,750,000, and 929 prisoners, showing an increase in eight years of only 236, and an increase in the population of 753,904. In 1880 there was in Kansas one prisoner to 1,440 inhabitants. In 1888 there was one prisoner to 1,800 inhabitants. This includes about 100 United States military and civil prisoners, which would reduce the number to about one in 2,000. (Vol. 2, pt. D, 1887-88.)

If Kansas in 1887 had a population of 1,750,000 between that period and the date of the United States census—30th June, 1890—there must have been a decrease in the population of 322,914, which, if correct, would certainly not tend to show that prohibition was promoting the material prosperity of the state.

The following is a statement made in the pamphlet in regard to taxes:—

"The following tabulated statement shows the levy of taxes for general revenue purposes, both county and state, in Topeka and Shawnee county, for eleven years, beginning three years before we had prohibition, giving the amount of tax on each $100 returned by the assessor, which represents about one-third of the actual value of the property assessed:—

| Year. | State Tax. | County Tax. | Total. |
|---|---|---|---|
| 1878 | $0.55 | $1.25 | $1.80 |
| 1879 | .65 | .50 | 1.15 |
| 1880 | .65 | .50 | 1.15 |
| 1881 | .50 | .50 | 1.00 |
| 1882 | .50 | .50 | 1.00 |
| 1883 | .43 | .50 | .93 |
| 1884 | .43 | .50 | .93 |
| 1885 | .39 | .50 | .89 |
| 1886 | .42 | .50 | .92 |
| 1887 | .40 | .50 | .90 |
| 1888 | .38 | .33 | .71 |

* The difference between 82,329 and 82,006 is explained by an alteration in the number of prisoners in county jails, which, in the census bulletin No. 95 is put down as 19,538, and in a subsequent bulletin (No. 182) at 19,861, a difference of 323.

It is manifest that no conclusions can be based upon figures relating to this subject, unless a complete analysis is made of the character of the expenditure. Assuming the figures quoted to be correct, it has to be observed in the state expenditure, the reduction between 1878 and 1881 was 10 per cent, between 1881 and 1888 the reduction was 24 per cent. But in the county taxes the reduction between 1878 and 1881 was 60 per cent, whilst between 1881 and 1888 the reduction was only 44 per cent. If the total expenditure is dealt with, the reduction was from $1.80 in 1878 to $1 in 1881, and from $1 in 1881 to 71 cents in 1888. The reduction therefore, in the first period was very nearly 45 per cent, and in the second period a little less than 30 per cent.

The prohibition law went into force in 1881. The increase in the population of the state between 1870 and 1880 was 173.35 per cent, and between 1880 and 1890 the increase was 43.27 per cent. From 1886 to 1888 the church membership in the state is said to have increased 44,988, or about 19 per cent, and church edifices to have increased 264, or about 14½ per cent. If these figures have any significance, they ought to be gauged, perhaps, by the increase in population, and it is difficult to apply that standard to the progress alleged to have taken place between the periods for which the United States census figures are not available. The church membership in 1886 may have been the church membership for some time before that, and the number of churches may likewise be the number existing before 1886.

The governor of the state, in January, 1889, in an address to the legislature remarked that "The present legislation in aid of the prohibitory amendment is, perhaps, not perfect, or free from objection, but so nearly satisfactory that I doubt if public opinion demands any radical revision of the law: and law should be but public opinion passed over into public will." He further stated that "Frequent change in such a law especially tends to unsettle public confidence, and begets distrust and doubt." It may therefore be concluded that the laws which existed then were considered to be satisfactory by the advocates of prohibition.

It was mentioned in the pamphlet that a governor of the state in 1889, in his message, stated,—"I affirm with earnestness and emphasis that Kansas is to-day the most temperate, orderly, sober community of people in the civilized world." It is stated also in the pamphlet that the law is efficiently and successfully enforced.

It has already been mentioned that the increase in population in the state of Kansas between 1880 and 1890 was 43.27 per cent, and while the increase in the whole north central division was 28.78 per cent, in Minnesota the increase was 66.74, and in Nebraska 134.06. The Dakotas, North and South, show very large increases, but in 1880 they practically only commenced to be settled. In 1870 the population of the two was 14,181; in 1880 it was 135,177, and in 1890, 501,527.

The following figures are taken from the reports of the Commissioner of Internal Revenue for the United States:—

STATEMENT showing the number of those paying the special tax imposed by the United States upon the makers of malt liquors, those dealing in them and in other intoxicating liquors in the State of Kansas.

| YEAR. | Rectifiers. | Retail liquor dealers. | Wholesale liquor dealers. | Brewers. | Retail dealers in malt liquors | Wholesale dealers in malt liquors. | Total. |
|---|---|---|---|---|---|---|---|
| 1890, ended 30th April..... | 1 | 1,550 | 12 | 2 | 185 | 28 | *1,778 |
| 1891, 14 months, ended 30th June..... | 2 | 2,811 | 19 | 1 | 525 | 61 | 3,419 |
| 1892, ended 30th June..... | 2 | 2,068 | 16 | 1 | 432 | 51 | 2,570 |
| 1893, do ..... | 1 | 2,786 | 28 | 2 | 660 | 90 | †3,567 |

* Including Indian Territory. † Includes Wyoming, Indian Territory and Oklahama.

Registered fruit distillers :—

| | |
|---|---|
| 1890 | 2 |
| 1891 | 1 |
| 1892 | 4 |
| 1893 | 2 |

The following are taken from the judge's reports for the year 1889, and five months of 1890 :—

| | | | Collections. |
|---|---|---|---|
| Arrests made for | selling liquors | 313 | $7,840 00 |
| do | keepers of houses of ill-fame, inmates and visitors | 426 | 4,093 50 |
| do | drunkenness | 352 | 1,376 25 |
| do | gambling | 48 | 195 00 |
| do | assignation houses | 3 | 40 00 |
| do | miscellaneous offences | 772 | 2,202 65 |
| Total number of arrests for year 1889 | | 1,914 | $15,747 40 |

1890.—*From 1st January to 1st June.*

| | | | Collections. |
|---|---|---|---|
| Arrests made for | selling liquor | 104 | $3,200 00 |
| do | keepers of houses of ill-fame, inmates, visitors and improper conduct | 229 | 2,185 50 |
| do | gambling | 22 | 209 00 |
| do | drunkenness | 213 | 693 00 |
| do | miscellaneous offences | 232 | 790 25 |
| Arrests for five months | | 800 | $7,077 75 |

In November, 1880, as has already been mentioned, a prohibitory amendment to the Constitution was adopted. The majority was about eight thousand votes, there being 91,874 for and 84,037 against the proposal. The total number of votes recorded at the nearest important election was 201,236. In 1888 the total of the votes cast for President was 334,035, in 1890 for the Governor of the State, 294,588. The prohibition vote for President in 1888 was 6,779, and for Governor in 1890, 1,230.

The result of the vote on the prohibitory amendment was the enactment of a prohibitory law in 1881. This measure was of a sweeping character. No person was permitted to sell intoxicating liquors, except a druggist holding a permit for that purpose, and then only for medicinal purposes on a physician's prescription, or for scientific or mechanical purposes.

In this State, as elsewhere, amendments to the law were found to be necessary at an early date. In 1885, the law was changed so as to enable druggists to sell liquor upon a sworn application by a party that it was needed for medicinal purposes. In 1887 this regulation was further strengthened. Other amendments included the granting of additional powers to county attorneys, and the conferring of special powers on police commissioners in cities.

The general prohibitory law may be thus summarized: The selling of liquor for purposes other than those specified, namely, medicinal, mechanical and scientific purposes, is declared to be a misdemeanor.

Liquor can only be sold by a druggist under permit from the Probate Judge of the county in which he does business. The permit is granted for one year, and the Judge may at any time revoke it. The application for a permit has to be signed by the applicant and twenty-five reputable freeholders having the qualification of electors, and twenty-five reputable women, over twenty-one years of age residing in the locality where the business is situated. The application must set out, among

other things, that the applicant does not use intoxicating liquors as a beverage. Notice of the application and the time and place appointed for hearing are duly published. If the application is granted, the party must enter into a bond of $1,000 as security for his compliance with the law. An appeal is given from the Probate Judge to the District Court.

On the presentation of a petition signed as prescribed in the case of an application for a license, and after an inquiry has been held as to whether or not the druggist has violated the law, the permit may be cancelled.

Special restrictions surround the physicians, who, in the event of illegally issuing prescriptions, are liable to a a penalty from $100 to $500, and imprisonment from ten to ninety days.

In order to obtain liquor for medicinal purposes, the applicant must make an affidavit on oath before a druggist, stating that the liquor is necessary and actually needed by him, to be used as a medicine for a certain disease, to be specified, and that it is not intended for a beverage, or to sell or give away. Similar forms are required to be filled up and filed on application being made for liquor for mechanical and scientific purposes.

The druggist is compelled to keep a record of sales, and to make sworn monthly returns of such transactions. The penalty for false affidavits is imprisonment from six months to two years, at hard labour. The druggist's records and the affidavits are to be open to the public at all reasonable hours.

Provision is made in the law for manufacturing liquor for medicinal, scientific and mechanical purposes. The application for permission to manufacture, however, must be signed by a majority of the resident electors, and the party must give a bond to the amount of $10,000. His permit continues during five years. The penalty for manufacturing or selling without a permit is a fine from $100 to $500, and imprisonment from thirty to ninety days.

The officer authorized to carry out the law is the county attorney.

Places in which liquor is sold may be declared to be common nuisances, and the owner fined from $100 to $500 and be imprisoned from thirty to ninety days. A perpetual injunction may also be obtained, violation of which is punishable by contempt of court. Civil damages can be sued for against liquor sellers. Selling liquor to minors is specially forbidden. Warrants for seizure can be obtained.

The law contains special provisions with regard to sales in clubs. Any person who keeps any club-room or other place, in which an intoxicating liquor is received or kept for use, barter, or sale, as a beverage, is liable to be fined from $100 to $500 or be imprisoned from thirty days to six months.

Common carriers are liable to punishment by fine and imprisonment for conveying liquor to be sold in violation of the law.

Provisions are embodied in the law by which a board of three police commissioners may be appointed for each city of the first class; these commissioners having authority to appoint a police judge, a city marshall, and as many policemen as are deemed necessary, not exceeding one to 1,500 inhabitants; but they may also, on occasions, appoint special policemen. The police force is entirely independent of the city authorities.

Prohibition in this state, as already mentioned, was enacted in 1881. Previously license and local option had prevailed.

Kansas is essentially an agricultural state. At the outset it was settled largely by people from the eastern states, these being, in the main American, settlers of a superior class. The vast public domain thrown open for settlement attracted immigration. Germans and Irish, together with representatives of European nationalities, settled on its fertile lands. Its population grew apace, increasing from 107,000 to 365,000 in 1870, nearly 1,000,000 ten years afterwards, and in 1890 1,427,000. The state contains no large city, Kansas City having a population of only 38,000. It has, however, seven towns with a population of about 10,000 each, these being scattered from its eastern border to its western limits, fronting on the Indian Territory.

In view of the fact that Kansas is essentially composed of farming communities; that it was settled largely by people of a superior class, the New Englanders at home and Germans from abroad, and that it does not contain any large manufacturing centres, it is obvious that it presents an eligible field for experimental work in the direction of the prohibition of the liquor traffic. That such is the popular prohibition view is manifest by the discussions and agitations that have prevailed during the last ten or twelve years.

Taking the state as a whole, various opinions were presented to this Commission as to the benefit or injury caused by the enactment of the prohibitory law. It is an undoubted fact that while during the decade from 1870 to 1880—about the period when prohibition was carried—the population increased 173 per cent, it only increased 43 per cent from 1880 to 1890. It is asserted in many quarters that not only did the growth of the state suffer a check, but, that during certain years, there was an absolute falling off in the population. The evidence taken by the Commissioners dealt largely with this point. It was argued, on the one hand, that the prohibitory enactment had been the means of preventing Germans and other European immigrants from settling in the state, and, on the other, it was asserted that prohibition had been the means of attracting parents from other states, who desired to protect their sons from the dangers of the liquor traffic. (Q. 639*b*.) It was undoubtedly established that many thousands of settlers had left the state on account of the existence of that prohibitory law, whilst many prominent witnesses deposed to the fact, that, in addition to this migration, large numbers of would-be immigrants had been deterred by this law from coming into the state. The loss in population to the state, from both these causes, was estimated at least 500,000 in the decade of prohibition's reign. (Q. 1914*b* and 1963*b*.)

Every effort appears to have been made to render the prohibitory law effective. Not only was the measure stringent in its enactment provisions, but, at different sittings of the Legislature, since its enactment, amendments have been proposed and adopted with a view to increasing its effectiveness and severity. The machinery for the enforcement of the law is elaborate, and even complicated. Under the metropolitan police system, which applies to cities of 15,000 and upwards, the Governor appoints three electors to act as a Police Board, these being representatives of the different political parties. This board possesses wide powers, and is practically independent in its operations. But not only do certain sections of the country possess the advantage, if such it may be termed, of a State prohibitory law, but some cities have themselves adopted additional measures to suppress the saloon as such. Kansas City, for example, has an ordinance against tippling shops, by which it is provided that those who keep a place where liquors are sold shall be deemed to keep a tippling shop, and be liable to a fine of $50, and, at the discretion of the Court, sixty days imprisonment. (Q. 461*b*). So not only are there here as factors in favor of prohibition, the superior class of settlers, the agricultural character of the population and the sparseness of the settlement, but also the most efficient means that can be devised for enforcing the law.

It is not even claimed that prohibition prohibits in Kansas. The utmost that is claimed in behalf of the prohibitory measure is that it has diminished drinking and cast odium on the liquor traffic. It is conceded that drinking has been reduced in the country districts but evidence, abundant and conclusive, was submitted to this Commission to establish the utter failure of the law in the cities. No better proof of this could be found than the fact that illicit sellers in Kansas City, for example, are summoned before the Police Judge at the beginning of each month, and fined $50 and costs. In a word, the illicit dealer is allowed to continue his trade by making this payment monthly, on the demand of the police authorities, which is equivalent to paying a license of $600 yearly. Sunday drinking is common, and apparently cannot be suppressed. Attempts to stamp out these illicit places utterly fail. Police Captain Porter, of Kansas City, stated to the Commissioners, "If there is a tippling shop in a block, and we get a case against it and close it up, it is only fifteen minutes before the people will go to another place and open up." (Q. 497*b*). Generally, the evidence regarding Kansas City showed that the law

was not enforced, but that the authorities were satisfied to permit illicit selling, provided the monthly toll was regularly collected for the benefit of the city treasury.

The working of the prohibitory law in Kansas City, was described by Rev. Father Kuhls. He said, in the course of his testimony before the Commission: "Prohibition in our state is a total humbug from top to bottom. There is not one particle of sense in it. It has filled the state with perjurers and thieves, and under it this city is actually filled with saloons. To my knowledge we have 110 saloons running now, a larger number than we had before the law was passed; and there is really more drunkenness going on than there was before. Besides, our neighbours across the state line, in Kansas City, Missouri, are making fortunes selling liquor in the State of Kansas, and we are losing the money. There are in Kansas City, Missouri, probably thirty wholesale houses all of which do business in Kansas, sending packages of liquor there. You can have it sent in quart bottles, or in ten gallons, or in fifty gallons, just as you want it, delivered at your house. I myself have counted at the Union Depot about 1,200 liquor packages at one time, all addressed to different places in this state. Our express companies make a great deal of money carrying these packages to and fro. I could take my oath there is more liquor used in Kansas to-day than there ever was before prohibition was enacted. So that, taking it, all in all, we have in this state a very deplorable condition of affairs, and if every state that adopts prohibition suffers as this state has, then God help this country—I think I would go to Canada." (Q. 506*b*).

Evidence was given before this Commission which established that enormous quantities of liquor are sold in Kansas, and these are transported to different points in the state, from dealers in Missouri, by means of the express companies. The liquor is conveyed in almost every conceivable variety of package. Mr. Arthur Clarke, of Leavenworth, said:

"The express companies bring in an immense quantity of liquor from Missouri and other outside states. Any day in the week, if you go to the station at Kansas City, you will see truck loads after truck loads of liquor in casks and boxes shipped by express on every train." (Q. 1641*b*).

Not only are spirituous liquors sent to customers, but breweries in the adjoining State do a brisk business. The drug stores in Kansas are, moreover, centres for liquor selling, according to the testimony taken by this Commission. Therefore, the existence of the liquor traffic is scarcely open to question. Mr. David Overmeyer, a counsellor-at-law in Topeka, thus defines the position:

"I think, to put it plainly, that the difference between prohibition and the license system is simply the difference between the traffic in sight and the traffic out of sight. Therefore, I think the license system is vastly preferabe because it entails candour and openness of conduct, while prohibition does not, and never can stop the use of liquor, simply because you cannot watch all the people all the time. (Q. 802*b*). Perjury is common in the courts. To use Father Kuhls' words: Therere are oaths taken falsely for the trifling sum of five cents. A man gets so used to taking an oath that he does not think much of it. * * * If you will go into a court room and see the way these people handle the oath, you will not believe three out of a hundred witnesses." (Q. 515*b*). Referring to drug stores, the Rev. Father said: 'I have known one drug store that sold as much as a thousand bottles of beer in one month, and probably in the same time did not make up a single prescription.' (Q. 514*b*). It was conceded before this Commission that the suppression of illicit places was followed by the establishment of "blind pigs," "holes in the wall," "boot-leggers" and other still more degrading measures by which to pursue the liquor traffic. Notwithstanding the most vigorous efforts of the police authorities, it is found impossible to suppress these forms of violation of the law.

A favourite means adopted for evading prohibition is the establishment of "clubs." By this term is meant an organization which receives members on payment of one or two dollars as a fee, the member in return obtaining the value in liquor. He is handed a ticket, which is regularly punched as he obtained drinks, and it is required to be renewed when its value is exhausted. Another method was

thus described to the Commission: A certain number of men will club together and pay a keeper to furnish their rooms with lockers, each individual will buy his liquor and put it in the locker, of which he carries the key. Then, whenever he goes there, the attendant will take his key and go to his locker, and bring him what he wants out of it. He can take half a dozen friends in, and treat them from his own locker.

Speaking of this club system Mr. Edwin Rosewater, the principal proprietor and editor of the Omaha *Bee*, said,—"I made a personal enquiry in Kansas * * * as regards the traffic itself, and the methods pursued to get liquor * * * I arrived at Topeka about six o'clock in the evening, and the same evening about ten o'clock I visited a club house in which there was something like 200 odd members, where I found piled up thirty-eight kegs of beer, empty kegs that had been used there during one week." (Q. 2194*b*).

In Kansas, as elsewhere, the prohibition question is made an issue between the different political parties. Even Mr. Troutman, an officer of the State Temperance Union, admits that, "It has been political contest, more or less, from the day of the adoption of the amendment to the constitution, to the present time." (Q. 1047*b*).

Hon. Edward Carroll thus describes the position which prohibition occupies in the state:

"It has been a political football. The prohibitionists are nothing if not extremely radical and fanatical in their opinions, and my observation is that the prohibition party do not seek, as a rule, to run an independent party machine. They have been more wise and politic in that respect, though most of the leaders of the party are preachers. They seek to ally themselves with the dominant party in the state. For instance, in Kansas they allied themselves with the Republican party, it being a dominant party. In the south, I understand that, as a rule, they seek to ally themselves with the Democratic party. Prohibition has little or no following in centres of population. It is strongest in the rural districts. In this city the sentiment is all against it." (Q. 1728*b*.)

That the prohibitory law is enforced spasmodically was generally admitted by the witnesses heard by this Commission. The force of public opinion, the views held by police commissioners and the exigencies of party politicians are all elements entering into the difficult question of enforcement. Mr. Overmeyer considered that "The worst feature of this prohibitory law consists in the spasmodic attempts which have been made to enforce it. This year is an off year, and it is being very vigorously enforced, but next year, when the election comes on, and when the political parties bid for the support of the classes interested in the sale of liquor, these efforts will be relaxed, and the old state of things will return. The party leaders will wish to keep everything quiet, so as not to lose any votes. This has been the history of prohibition in this state for many years." (Q. 814*b*.)

Mr. Troutman, a representative prohibitionist, testified: "The enforcement of the law has gone in waves. There would be a period of rigid enforcement throughout the entire state, and then there would be an apathy of temperance sentiment, and the officers would relax their efforts in certain localities, and a state of demoralization would ensue in those localities, which would extend in time to other parts of the state. That would continue until there was a laxity of enforcement throughout the entire state, and the people would take hold of the matter again, and see that the law was enforced pretty thoroughly." (Q. 1036*b*.)

In many of the principal centres of the state, not only is the law spasmodically enforced, according to the breeze of popular opinion, but a regular system is adopted of imposing fines on illicit sellers, which is equivalent to a license system, and creates a considerable revenue for municipal purposes. This was clearly explained by Deputy City Clerk Short, of Kansas City, who said: "The expense of our police department has been sustained out of fines imposed on liquor joints. The police arrest the keepers of these places once a month and bring them to the police court where they ordinarly plead guilty and pay a fine of $50 and costs. The fines al-

together in a year amounted to about $45,000. After paying the police expenses the balance, $5,000 or $20,000 goes to the general fund of the city."

Mayor Barnes said that there were from sixty to eighty joints in the city, and that the revenue from the breaches of the liquor law amounted to over $40,000 annually. (Q. 603*b*.)

Rev. James G. Dougherty entered into particulars. He said: "I will give you the state of the account here as it has been given by the police commissioners. For the eleven months ending 28th February, 1893, the police force has not only been self-sustaining, but a surplus of $6,715 has been turned into the general funds of the city, and for the four years, from 15th March, 1889, to 1st March, 1893, the sum of $12,893, has been paid to the credit of the city after all expenses of the police department has been paid * * * For those four years the total receipts were $149,274. When the old commissioners were about to turn things over to the new board they called together the police force and congratulated them; not on having enforced the law and closed the joints and gambling houses, but, here is what the president said to the police force: 'Since they had been associated together over $190,000 had been handled, and not the slightest suspicion had ever been uttered that a single cent had not been honestly accounted for, and the board had the first complaint to hear that any member of the force had abused his power or position in the slightest.' That is, the police force is an agency, not for the suppression of crime, but for the collecting of revenue, and the thing they are complimented for is that they have been such good collectors." (Q. 622*b*)

Not only do illicit places prevail in Kansas, together with boot-leggers and other individuals who appear to persistently violate the prohibitory law, but gambling in almost every form prevails extensively throughout the state, especially in the centres of population. Witnesses heard by this Commission stated that servants and the very poorest class took their chances at the revolving wheel. Crap and faro are popular pastimes. Indeed, Police Judge King, of Kansas City, declared that, "gambling has done more harm to our people than the saloons."

It is important to consider somewhat in detail the operations of the prohibitory law in the principal cities of the State.

Hon. L. D. Lewelling, Governor of the State, who defined his position in these terms, "I have not been an enthusiast either for or against prohibition," described the condition of affairs at Wichita as follows,—

"In my own town, Wichita, some years ago, the Governor appointed a Police Commission, of whom two, perhaps the whole three, of the members were radical prohibitionists. They took the appointment with the earnest desire to enforce the law absolutely according to its letter and spirit. Two of the Commissioners, Mr. Stanley and Col. Lewis, were prominent members of the Methodist church, and both earnest in their desire to enforce the law. Yet Mr. Stanley afterwards came out with a letter in which he stated that he believed that it was impossible to enforce the prohibitory law absolutely in accordance with its spirit and letter where public sentiment was so much against it." The Governor further mentioned that in some of the cities, "the system of fines in vogue practically amounts to a license. Men are arrested and fined practically." (p. 52–55, vol. 5).

The position in Achison is indicated by memorials contained in the journals of the State Legislature in 1891. B. P. Waggner, Mayor, writes as follows:—

"I do not believe that it is possible to enforce the prohibitory law to the extent of closing up all places where intoxicating liquors are sold in violation of its provisions. For ten years the experiment has been tried in the city of Achison, and I think I can safely say, without fear of successful contradiction, that during all of that time we have had many of the evils resulting from the traffic without receiving a fair revenue therefrom."

A special committee of the State Legislature reported respecting Topeka:

"The authorities of Topeka have made a more determined effort than any city of its class. They are expending $15,000 per annum of the tax payers' money in

excess of all the revenue of the police department of the city, and yet the joints, drunkenness and crime has not been banished."

In Leavenworth there are admittedly open saloons. The system of monthly fines is there followed, and the witnesses declared that it was virtually a license system. The special committee of the Legislature thus reported respecting that city :

Leavenworth Board is at present composed of three aged men ; the president, William Fairchild, is over eighty years of age. They were said to have been selected because of their belief in prohibition and prohibitory laws. The president's testimony, which was confirmed by the secretary of the board, was to the effect that they had tried to enforce the law and ordinance governing the city, but had failed to suppress the joints, and were not now trying to abolish houses of prostitution. They testified further that that there were many places where intoxicants were sold."

The situation in Kansas City has already been indicated.

Summing up the reports obtained from all the six cities, the Special Committee of the Legislature thus reports :

" Your Committee has heard no testimony that induces them to believe that the prohibitory law has been enforced in any city in the state, through the agency of the metropolitan police or any other machinery of the law. In all of the six cities fines, or forfeited recognisances called fines, are imposed. There is usually no other punishment inflicted. The more vigorous the effort made to enforce prohibition in cities, the more irresponsible and debased are the men engaged in the traffic, the more deceptive their devices and secluded their places of business."

An address delivered at the last annual meeting of the State Temperance Union by Mr. John A. Murray, author of the present prohibitory law of Kansas, contains many interesting points. The statements made by the author of the prohibitory law are diametrically opposed to those presented by prohibitionists in a pamphlet entitled " Prohibition in Kansas," and endorsed by Gov. Humphrey and others. This is made apparent by quotations subjoined, which are given in parallel columns.

*Prohibition Pamphlet, "Prohibition in Kansas," issued by the State Temperance Society.*

" The evil results of the open saloon had been abolished in nearly every town and city of Kansas.

" To-day there is not a saloon in the city (Topeka).

" The traveller will marvel most as he contemplates the fact that he has not seen an open saloon within her border, thanks to prohibition.

" There are in Kansas thousands of boys eight years of age who have never seen a saloon, and to whom the word 'saloon' has a meaning hardly more definite than that conveyed to them by the Hindo word 'Bungalow' or the African word 'Kraal.'

" Gov. Martin, in his message of 1889, says: 'I affirm with earnestness and emphasis that this State is to-day the most temperate, orderly, sober community of people in the civilized world.'

*" The Prohibition Law and how to enforce it," by John A. Murray, author of the 'Kansas Prohibitory law,' issued by State Temperance Society.*

" The jointists of this State are selling intoxicating liquors under various names, such as malt, pale malt, hop tea tonic, barley mead, &c.

" In some localities this class of goods is received by the jointists in car load lots while private bars are arranged for the convenience of the suffering public.

" The inertia of public sentiment upon the temperance question is cause for apprehension. The prohibitory law, once the emblem of our pride, has in parts of our State become a burden of apology.

" Its efficiency hath no impairment, but it suffers great disparagement because of non-enforcement.

" The very atmosphere of the principal streets of some of our flourishing cities is laden with the noxious odor of the undisturbed, defiant and prosperous 'joint.'

"Judge Gathrie, of Topeka, in 1889, said: 'The law has so far accomplished all that was expected for it.'

"Gov. Humphrey, in 1889, said: 'The law generally is being respected and enforced.'

"The prohibition law has more than met the expectations of its warmest friends.

"Our citizens fully realize the happy results of the prohibition of the manufacture and sale of lioquor. In our opinion the prohibition law is now stronger with the people than it was when adopted."

"We who now sit here are in a large measure responsible for the benighted condition of temperance inactivity.

"Many druggists are endeavouring to make it appear from the returns of their books that they are conforming to the law, while in truth they are only using the forms of law as a subterfuge for its violation. In many instances false certificates are systematically made to the affidavits, stating that they were subscribed and sworn to in the presence of the pharmacist, while, as a matter of fact, the applicant did nothing more than sign the application filled out by the druggist.

"Another very common form of violation is for the druggist to insert in the statement, in place of naming the particular disease, as required by law, some imaginary general ailment, of which perhaps one-half of the human family could at any time complain, as for example, 'cold' for 'quick consumption,' 'debility,' 'weakness,' 'chilliness,' &c.

"The utter recklessness with which this branch of the law is violated is but indicative of the temperance lethargy prevailing in the State.

"The institutions for the enforcement of this law are more complete, and its machinery, when put in operation, more effectual, than any other known statute in the world.

"First, unwise in our official selections; second, yielding to selfish lethargy, we have, almost without protest, beheld our proud statutes trampled underneath the feet of the defiant rummy, that vampire upon society."

An interesting pamphlet called "The Eye-Opener; or the Evil Fruits of the Prohibitory Law in Kansas," written by Charles Willslie, a member of the bar of the State, is published. He deals with the working of the prohibitory law. Referring to the allegation that prohibition is largely a political issue in some States of the Union, he says:—

"The Republicans in the State who wanted office, and who expected in the future to want office, were afraid to expose, or to advert to, the weak phases of the law, because they knew that the measure had been introduced by Republicans, and in a great degree, carried by Republicans; and these office-seekers were convinced that if it should be suspected that they were not wholly in sympathy with the most extreme measures proposed to enforce absolute prohibition in the State, their endorsement at the polls would be weak, and their aspirations for office hopeless. And too true were such surmises; for, no matter how able the man, no matter how upright he might be before his fellow-men, no matter how earnest a Republican he might have been and still be, no matter how gallant a record he might have had as a Union soldier, if he refused to join in the general prohibitory clamour, the merest nobody, the most ignorant in the entire community would be preferred to him, if the latter did but proclaim himself in favour of extreme penalties for the violation of the

prohibitory law. A large number of ultra prohibitionists, being Republicans, carried out their threats to defeat at the polls, every man who did not subscribe to their extreme views."

The author calls attention to the provision in the law which prohibits the alcoholic liquor obtained as a medicine to be taken on the premises of the drug store where it is obtained, or in the physician's office, if that office should happen to be in a drug store. He says:—

"It would seem that the law-makers were too familiar with the facts, and knew that while the liquor would be bought upon the sworn statement that it was for medicine, yet in reality it was for beverage; that while it would be sold under sworn restrictions, it would nevertheless be sold as a beverage and drank as a beverage. Else, why the necessity of requiring that it be drank off the premises?"

The facility with which liquor could be obtained in the State is thus referred to:—

"It is a well known fact that under the law of 1881, and until 1885, all over the State of Kansas, hundreds upon hundreds of parties would have prescriptions from physicians for brandy or any other kind of intoxicating liquor, most commonly beer, and would get the liquor not once but hundreds of times on one and identically the same prescription; and, while one person might have but few prescriptions, yet those few would be filled and refilled and filled again and again, until, in many instances, one prescription would have served the purpose of getting a whole barrel of beer or of other liquor in like proportion to the quantity originally prescribed. Beer in those days often came, and still comes, to Kansas in barrels containing 72 common three-half-pint bottles. I have known a whole barrel of beer to be sold out at one time on one prescription."

A common expedient is for young men in that community to give the physician prescribing for him a fictitious name.

The writer claims that the prohibitionists of the State well know that many of the drug stores are, in fact, liquor saloons, and the prohibitory law does not effectually prohibit or prexent the sale and use of whisky and beer as beverages.

Attention is called to the fact that when the police have closed up one place where whisky has been sold, the only effect is to open a dozen smaller places in the neighbouring barns, sheds, alleys and corners. He added: "In some places the metropolitan policemen are guyed, scoffed at, ostracised and boycotted, so that in a few days, from force of circumstances, they lose the interest they were expected to take in the execution of their duties, and in a few days more that nose which was expected to smell out numberless places where liquor was sold has so dwindled and lost its cunning that it cannot find an open saloon. And thus when these policemen are on the street, they walk about like other people, and, as likely as not, walk right by fifty saloons or joints in less than an hour and a-half."

The law of 1887 appeared to somewhat restrict, for a time, the operations of the druggists. The author of "An Eye Opener" says: "There is not that wholesale trade in whisky and beer by the druggists that there was under the law of 1885, but there is a trade so active that no express train in the state is ever known to be without whisky and beer, medicine en route to the address of some one druggist or more." He adds, speaking of the situation generally: "The people see an expensive and and useless metropolitan police force imposed upon the larger cities of the state for no other purpose than to attempt to compel obedience to the prohibitory law, the provisions of which from their wording were never expected to be adhered to. They see millions of gallons of spirits used as a beverage all over the state. They see the money that should remain in the state sent beyond its border to buy this liquor. They see corporations becoming wealthy carrying by express the liquor into and through the state. They see saloons without license. They see their prisons filled with vendors of liquor, and their courts crowded with criminal cases of violations, or alleged violations, of the prohibitory law. They see fines imposed and never paid. They see a steady increase in unlawful liquor traffic. They see thousands of youths being debased by taking part in this traffic."

The author says: "The Republicans are responsible for the lies told by the prohibitionists to the effect that the prohibitory laws of Kansas do effectually prohibit and prevent the sale of liquor, and that there are no saloons in Kansas."

Mr. Willsie regrets "The mania among eminent men for misrepresenting facts relative to the liquor traffic in Kansas." He quotes a paragraph from a Topeka paper in which a university professor is stated to have exhibited a banner bearing the words "Not a saloon in the state," at a gathering of educationalists. At that very time, says the writer, "There were in Achison, Leavenworth, Topeka, Newton, Emporia, Kansas City, Kansas, Hutchison, Arkansas City, Dodge City, Medicine Lodge, Fort Scott, Oswego, Parsons, Winfield, Wellington and Wichita over five hundred saloons, and these cities are but a few of the spots in the state where whisky and beer are sold in places as public as any building in the city. Why apparently worthy people take so much pride in saying that there are no saloons in Kansas, can only be accounted for upon the theory that they are so in sympathy with prohibition that they think it is right even to lie in its behalf, that the end justifies the means.

The writer comes to the conclusion that though the persistent work of prohibitionists for a law to prohibit, instead of practical means to change man's habits from drunkennesss to temperance, the people of Kansas find a steady increase of the drink habit.

Clubs are constantly organized in cities of Kansas. Mr. Willsie says "Their meeting places (the Floodwood clubs) are substituted for saloons as often as a temporary suppression of the business of the jointists and boot leggers may appear to require. They also appear frequently in the country. The police sometimes make a raid upon the meetings and disperse the crowd when they get somewhat noisy, but that does not stop the men from drinking their liquor any more than a prohibitory law does."

Referring to crime and insanity under prohibition, the author claims that a large increase has resulted. "We have," he says, "further evidence that crime is on the increase, and has been since 1880. Even felonies are increasing in number. Instead of the penitentiary becoming vacant, it is filling up. There were 178 more inmates in the penitentiary January 1st, 1890, than there were January 1st, 1880. The number of felons received in the penitentiary from January 1st, 1870, to January 1st, 1880, was 1808. The number of felons received in the penitentiary from January 1st, 1880, to January 1st, 1890, was 3,683. Does this look as if crime was decreasing under the moral influence of the prohibitory law?"

In appendices Nos. 151 to 156, inclusive, are given the figures of arrests in the cities of Atchinson, Fort Scott, Leavenworth, Wichita, Topeka, and Kansas City, Kansas.

On Saturday morning, the 13th May, 1893, Messrs. G. A. Gigault, the Reverend Dr. McLeod, and Judge McDonald, members of this Commission, and Mr. Albert Horton, stenographer, commenced an investigation in the state of Kansas.

The first place visited was Kansas City, the population of which in 1890 is said to have been 38,000. It and Kansas City, Missouri, are merely separated by the state line, which, in places, is on a street. The Armour Company, of Chicago, has large packing houses here. The mayor, the police judge, the police captain, the deputy city clerk, the superintendent of the Armour Packing Company, the Reverend Fother Kuhls (Roman Catholic), and the Reverend James G. Dougherty (Congregational), were examined.

The Commissioners saw in Kansas City, Kansas, places in which pool selling and gambling were publicly carried on—the pool selling in a room on the ground floor, while the gambling proper, with cards, dice, roulette tables and faro tables, was carried on in an upper room. At least three such places were visited. In the largest, called the Turf Exchange, the sign of which was conspicuously painted on the front window, there was a very large room on the ground floor, resembling an ordinary store, with an immense blackboard down the side of the room. Here pool selling was carried on, and there were congregated upwards of one hundred men of

various ages, and, apparently, of various conditions in life. At the rear end of the room was a bar—a large bar of the ordinary kind with one or more bar-tenders behind it, just like an ordinary saloon, liquors being served to men in front of the counter. Up-stairs were many men engaged in gambling of one kind or another, most of the tables, about ten in number, being filled.

In another part of the city, a store at the corner of two streets, which bore the sign of "merchant tailor," was visited, and found to be an ordinary saloon with the usual fittings and furniture, and a bartender selling liquors to men. Again, in another part of the city, in answer to an enquiry, a place was found fitted up as an ordinary saloon, although there was no street sign.

The next place visited was Topeka, the capital of the State, with an estimated population (1894) of 34,000. The Commissioners were courteously received by His Excellency, Governor L. D. Lewelling, and other State officials, and made enquiries in different quarters, and as to different localities. While at the Copeland House, in Topeka, they saw a package of liquor delivered to a guest, at his room in the hotel, and understood that it had been sent by express from Kansas City, Missouri.

Two of the Commissioners next visited Ottawa, Kansas, which the Rev. James G. Dougherty, above-mentioned, had indicated as a place in which prohibition had thoroughly been successful. They found it to be a beautiful town with a population of possibly 7,000 people, and having railway repair shops, mills and other industries, the Santa Fe Hospital, four graded schools, a Baptist university, and a lovely park. It is called a "city of churches," there being sixteen church buildings. One witness thought it was the first place that had prohibition before there was a general State enactment. (1143*b*.)

Although it was admitted by some of the friends of the law that illicit sale goes on, and that it is thought that druggists (there being nine drug stores when there should not be more than three or four to do a legitimate trade) sell liquor to people for beverage purposes, and that a great deal is shipped to Ottawa on the sly by men who use liquor; notwithstanding all these admissions, the great majority of those who were examined,—in fact, nearly all of them,—stated that the prohibitory law had been of great benefit to their community, and they or many of them said that drunkenness had been virtually banished from the community. (Q. 1103*b*, 1142*b*, 1168*b*, 1208*b*, 1230*b*, 1231*b*.)

The Commissioners visited the office of the Probate Judge and examined some of the returns made to him by druggists in regard to the sale of intoxicating liquors under the Act. One set of returns was shown to them by the judge as having been made by the druggist doing the largest business in Ottawa. According to these returns the number of sales per day for the month of March, 1893, averaged from eight to ten. In most cases the ailments for which liquor was stated by the purchasers to be obtained were entered as "lungs," "la grippe" and "rheumatism."

The county gaol was visited. There were eight prisoners in confinement, one of whom was undergoing a sentence for what is called "boot-legging," that is, carrying liquor about on his person and selling it illicitly.

One of the Commissioners, accompanied by the Revd. Dr. Milner, or some citizen of Ottawa, called at one of the express offices and was shown there a package containing liquor which was awaiting delivery, but in Ottawa no liquor saloons were seen, nor were there any signs of drunkenness.

While two fo the Commissioners visited Ottawa, another went to Salina, a town probably about as large as Ottawa, and further west. It had been named by the Hon. Mr. Gaines, superintendent of Public Instruction for the State, as a place in which the law was well enforced. A good deal of lawlessness appeared to exist here, and a good many "joints" for the illegal sale of liquor were open. At one of the leading hotels, liquors were sold and given openly. Statements were obtained from several citizens—including the mayor of the town, an ex-State senator, a justice of the peace, a Roman catholic priest, four physicians, a druggist, an insurance and real estate agent, and an editor. These men were, with the exception of the wo last named, practically unanimous in saying that the law is not observed, that it creates and leads to perjuries, and that there is great difficulty in getting witnesses to testify and juries to convict. The mayor said: "Prohibition is more a myth than

a reality. I do not think the regular joints here will exceed twenty." The Rev. Father P. Maurer said; "The prohibitory law, instead of making people better, is bringing in its train a general disrespect of all laws. The prohibitory law is worse than a farce. It has not a good effect on the morals of the people. It brings into disrepute the sanctity of oaths."

On the 17th May, 1893, the Commissioners reached the city of Leavenworth. During their stay they visited the State Penitentiary and the Western Branch of the National Home for Disabled Volunteer Soldiers, at both of which institutions they received most courteous treatment and obtained information from the Hon. S. W. Chase, the warden of the prison, and from Col. Andrew J. Smith, the governor of the Soldiers' Home. The last named is a firm believer in the efficiency of the gold cure treatment, and many of the old soldiers who had tried it related their experience of its results, and the Commissioners saw it administered to a number of persons. (Q. 1419*b*.–1441*b*.)

Leavenworth is the oldest city in the state, and has a population of about 21,000. There are large coal industries here, some $2,000,000 being invested in the mines, and about $20,000 a week paid in wages. It is also a great corn market, has a large manufacture of bricks—some 60,000 paving brick a day having been made—and the Great Western Stove Company makes 60,000 stoves a year. There are also furniture factories, planing mills and cooperage works.

At Leavenworth the Commissioners saw a number of open saloons supplied with glasses, bottles, decanters and other usual fittings of such places. They were also shown gambling establishments with faro and other tables. At the hotel at which they were guests, there was an open bar, and it was said that there were about 175 places in which liquor was sold, and that a revenue of about $4,000 per month or $48,000 per year was being derived from persons engaged in this illicit sale. (Q.1493*b*–1918*b*.)

On the night of the 19th May, 1893, the Commissioners left Leavenworth, the next point visited by them being the State of Nebraska.

To sum up in a very few words the state of matters as it was found in the State of Kansas, it may be observed that, while people not wishing to use intoxicants, or who are opposed to such use, seldom find themselves face to face with the saloon and its surroundings, yet there cannot be any doubt that the person, young or old, who really wishes to obtain intoxicating liquor for beverage purposes, need not wish in vain. He may from any place in the state send to any neighbouring state and order a supply which will be delivered to him openly by the express company, or he may in many sections, resort to the drug store, and in some can be supplied at the places called "joints," or by the persons called "boot leggers," or, if in a city or town where the authorities are in sympathy with the law, and have public sentiment with them, he may join others in a "club." And when this state of things exists, and at the same time in some communities there is an illegal licensing of the traffic which has a tendency to bring all law into contempt, and in almost every section of the state in which prosecutions are instituted, a prevalence of perjury in these liquor cases—the thoughtful man may well ask himself which after all is the better, or the worse, the state of things under a license law, or that under a so called prohibition law.

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available.

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 1,427,096 | ..... | 996,096 | ..... |
| Convicts in penitentiaries | 918 | 0.64 | 687 | 0.69 |
| Prisoners in County jails | 432 | 0.30 | 202 | 0.20 |
| Paupers in almshouses | 593 | 0.42 | 355 | 0.36 |
| Inmates of juvenile reformatories | 208 | 0.15 | No returns. | |

## PROHIBITION IN MAINE.

A gentleman occupying a prominent public position, one of the representatives of the state in Congress, and an ardent supporter of the prohibitory system, remarked, when giving evidence before this Commission, that if prohibition were a failure in the State of Maine, it must be considered a failure everywhere.

When it is considered that the law has been upon the Statute Book of the state for upwards of forty years, that the Legislature has been ever ready to pass amendments calculated to make it more effective, that power was given to the Governor and Council of the state to supersede the municipal officers elected by the people, that the full weight of the executive of the state has been employed to give effect to the law, as is evident by the fact that a very large proportion of all the cases before the courts of the state have been those which arise out of breaches of this law, and that before its enactment a strong temperance sentiment prevailed amongst the people of the state, it is difficult to conceive that the law could anywhere have been surrounded by conditions more favourable to its success. It is, therefore, important to consider carefully the results of the prohibitive system in this state.

### THE LAW.

As early as 1830 an energetic temperance movement was commenced in the State of Maine. It was followed in 1840 by what was known as the "Washington Movement," and as far back as 1846 the question of prohibiting dram shops became an issue in the state and municipal elections. In 1850 a Legislature was elected favourable to prohibition.

The law prohibiting the manufacture and sale, for beverage purposes, of intoxicating liquors within the State of Maine went into force, on approval, on 2nd June, 1851. It continued in force up to 1855, when it was repealed. During the years 1855 and 1856 licenses were granted. In 1857 the law was re-enacted and it has continued upon the statute book ever since Prohibition has, therefore, been the law of the State for upwards of forty years. Very few, if any, sessions of the legislature of the State have been held at which amendments to the law have not been made. Those amendments are said to number between fifty and sixty, and they have generally been in the direction of increasing the severity of the punishments for breaches of the law and enlarging the powers of the officers entrusted with its administration, until it is as inquisitorial in its character, and as stringent and severe in its provisions, as it is possible to conceive any law would be, enacted and accepted by a self-governing community. During the session of the legislature of the State held in the beginning of the year 1893 a change was made in regard to the punishment of offenders, which was opposed by General Dow and some of his associates. By this amendment the judge trying liquor cases is allowed to exercise discretion in the matter of imposing a fine or imprisonment for a breach of the law.

The constitutional amendment making prohibition a part of the fundamental law of the State was passed in 1884. Votes on amendments to the constitution are said to be, as a general rule, small. On this occasion the total number voting was ninety-four thousand five hundred and ninety-four (94,594), of which number seventy thousand seven hundred and eighty-three (70,783) voted for the amendment.

The total of the votes cast in the same year, and at the same time, for the election of Governor for the State was 142,107, of which 78,318 were given in favour of the Republican candidate, Hon. F. Robie.

The amendment to the constitution was as follows:—

*Amendment* 5.

"Forever prohibiting the manufacture of intoxicating liquors, and prohibiting their sale, except for medicinal and mechanical purposes and the arts.

"The manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors are, and shall be, forever prohibited.

Except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and the sale and keeping for sale of cider, may be permitted under such regulations as the legislature may provide. The legislature shall enact laws, with suitable penalties, for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors, with the exception herein specified.

"Resolved, that the Aldermen of the cities, select men of towns, and assessors of plantations in the State are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations, in the manner prescribed by law, at the September election next ensuing after the passage and approval of these resolves, to give in their votes on the question whether the amendment to the constitution proposed in the foregoing resolves shall be made; and the question so submitted shall be: Shall the constitution be amended so as to prohibit forever the manufacture, sale and keeping for sale of intoxicating liquor as provided by the said amendment? And the inhabitants of said towns, cities and plantations shall vote by ballot on said question, those in favour of the amendment expressing it by the word "yes" upon their ballots, and those opposed to the amendment by the word 'no' upon their ballots; and the ballots shall be received and sorted, counted, declared and recorded in open ward, town and plantation meeting, and lists of the votes so received shall be made and returned to the Secretary of State in the same manner as votes for governor. And the Governor in Council shall open, examine and count the same, and make returns thereof to the next legislature, and if it shall appear that a majority of the votes is in favour of said amendment, the Governor shall, by his proclamation, declare such amendment to be adopted, and the Constitution shall be amended accordingly, to take effect on the first Wednesday of January in the year of Our Lord, one thousand eight hundred and eighty-five."

The full text of the prohibitory law of the State is given in Appendix, No. 104.

## THE ENFORCEMENT OF THE LAW.

The sheriffs are entrusted with the execution of the prohibitory law. Section 60, provided that:

"Sheriffs and their deputies and county attorneys shall diligently and faithfully inquire into all violations of law within their respective counties, and institute proceedings against violations, or supposed violations of the law, and particularly the laws against the illegal sale of intoxicating liquors, and the keeping of drinking houses and tippling shops, gambling houses or places, and houses of ill-fame, either by promptly entering a complaint before a magistrate and executing the warrant issued thereon, or by furnishing the County Attorney promptly and without delay with the names of the alleged offenders and of the witnesses.

The sheriffs are elected by the people, apparently on purely political party lines. Under the State Constitution they retain office for two years. They appoint their own deputies, and both the sheriffs and deputy sheriffs are paid $2 per day when on duty, together with allowances for travelling expenses and certain fees for the service of warrants, &c. In some cases warrants are served by constables or the city police, but in the cities and towns the work is almost invariably performed by the sheriffs' deputies, those specially charged with looking after the liquor traffic, being commonly known as "Liquor Deputies."

Liquors seized are taken charge of by the sheriff, who, in the cities of Portland and Auburn (for Lewiston) which were visited, had large stocks on hand. The practice under the law now is to dispose of all confiscated liquors containing less than 20 per cent of alcohol by emptying them into the common sewer. All containing 20 per cent and upwards of alcohol are poured into barrels, and when five barrels have been have been collected they are shipped, under contract, to someone outside of the State; the alcohol is extracted and the value of it, according to contract price, which contract is made with the Sheriff, is remitted to the Treasurer of the county from whence the liquor is sent. The sheriff at Portland estimated that the shipments by him would average about two and one-half barrels per month.

The mode of procedure in Portland, where the system was more particularly investigated, and it is practically the same elsewhere, is for the sheriff or one of his deputies to make an affidavit before the Judge of the municipal court, on one or other of the forms printed as appendices to this report, as the case may dictate. Declaration A, Appendix No. 105, is for a warrant to search a dwelling house; B, Appendix No. 106, for a warrant to search a shop; C, Appendix No. 107, for a warrant to search the premises and cars of a railroad company; and D, Appendix No. 108, for a warrant, *ex post facto*, to seize, take possession of and hold certain liquors and vessels. The Judge then issues his warrant, armed with with which the sheriff proceeds to make search and seizure.

A return, prepared by the Recorder of the municipal court of Portland, shows the number of warrants issued each year between 1888 and 1892, with the number of cases in which liquors were found. It is as follows:—

| Year. | Warrants issued. | Seizures made. |
|---|---|---|
| 1888 | 2,887 | 961 |
| 1889 | 2,856 | 839 |
| 1890 | 3,637 | 978 |
| 1891 | 3,979 | 1,562 |
| 1892 | 10,863 | 1,082 |
| Totals | 24,222 | 5,422 |

RESULTS OF THE ENFORCEMENT OF THE LAW.

It is obvious that a system which necessitates or admits of so extensive a resort to domiciliary visits must be dangerously liable to abuse, and to become a means of coercion and serious corruption. On this subject very strong opinions were expressed by witnesses who gave evidence before the Commission:—

The Hon. Chas. F. Libby, Counsellor-at-Law, Portland, ex-President of the State Senate, ex-Mayor of Portland, prosecuting Attorney for the State of Maine from 1873 to 1878, said:—

"I consider that the prohibitory law is a failure so far as the city of Portland in concerned. I consider that it has tended directly and indirectly to bring about a certain condition of affairs which I consider is not favourable from a moral point of view. Now, I will give you my experience as prosecuting officer, and I am going to speak of some matters which are rather personal so that you may fairly understand my attitude in the enforcement of this law. I received the nomination to the office which was followed by my election as attorney for the State over this country without my knowledge or desire. I went into the office perfectly free. I went in there with the disposition, as I think every officer should have, to make no enquiry into the operation of the law, but as the law was on the statute book, to enforce it. I think I enforced that law impartially with all the vigor I could control, and I would be willing to let the judges and officers of the court speak on that question. I had five years' experience with the enforcement of the prohibitory law. During that time I prosecuted nearly 1,000 indictments, and I collected in these five years, I think over $80,000 in fines in this county, and largely in the city of Portland. I had sentences passed in a month on liquor sellers that aggregated fifty years. The liquor cases exceeded very largely all the other cases that I prosecuted. Cases of murder and capital offences were included in the crimes that came before me as prosecuting officer. I kept a careful record of every liquor seller that I had indicted or prosecuted before the courts, and I had a progressive system of fines and punishments. I kept a record of all these men and the number of times they came before me. * * * I looked it all over to see what I had accomplished at the end of my time. I found that I had driven out of the business one set of men,

and another set of men had come in, and so far as I can judge from my experience, the last set of men engaged in the business was worse than the first set who were out of the business and were in jail; according as they were driven out of the business they got other men to take their place. In addition to that I found, especially if the sheriff co-operated with me and if the marshall of the city aided me, that when the law was very stringently enforced it created a demand for club houses, and I found the young men were establishing club rooms here in the city, and not only did they become places where drinking was carried on, but by supplying larger quantities than they generally would have in their possession as a means of gratifying their appetite for drink, they were also getting to gambling and other vices, and I had to break up quite a number of these places. I found that, while I was driving the liquor out of the ordinary shops where it had been sold, I was driving it into the houses and kitchens where the children of the family, who up to that time never saw it, were accustomed then to see it dealt out in that surreptitious manner. The rigid enforcement of the law introduced the system of pocket peddling, something which we never had in the city before. Not only that, but I found that perjury was becoming alarming common in the courts. The prohibitory law does not prohibit, it simply restricts it; it does not do more than that, and I believe it does that badly. In our own city of Portland the law has become a foot-ball in politics, more or less. It enters into state and municipal politics, and the variations in these figures (returns of arrests by the police) which you have before you are due in my judgment, more or less, to the efforts by some administrations to make it appear that there has been an improvement in one way or another, or perhaps, they may think there is something to be gained by showing an increase in one year over the other. I am very sorry to say it, but it is true, that this liquor law opens up such an avenue for bribes that it tends greatly to corruption; the liquor sellers are given immunity by officers on their beats, and that has been a large source of corruption. It is matter of history that our sheriffs and police force become corrupted. I therefore say that, to my mind, this prohibitory law has not been good to us as a whole, because it does not effect what its friends claim for it, claim in good faith." (Q 5207*b*, 5208*b*).

Mr. Leander Cram, of the city of Portland, Sheriff of the County of Cumberland, was asked:—

"Does it come within your duty to enforce the prohibitory law? It is part of my duty under the statute.

"I suppose the enforcement of the law varies in different years? Some years it is enforced more rigorously than others.

"For instance, the same man is not sheriff always? Exactly, it varies with the zeal and interest of the officer.

"What are the chief difficulties in the way of enforcement of the prohibitory law? Well, I should say dishonesty.

"Dishonesty on the part of the officers? Yes." (Q. 4439*b*–4446*b*).

The Hon. Judge Gould, of the Municipal Court, Portland, was asked:—

"I have heard the statement made that under this prohibition system, it occasionally happens that blackmail is levied by the officers upon vendors of liquor, that is to say, that if they find a man selling liquor, they threaten to bring him before the court, and the man compromises with the officers. Have you any reason to suppose that anything of that sort is done? It has been common report that dealers have been in the habit of paying licenses to the officers for allowing them to continue in the business. I do not know anything of that, to my own knowledge. It has not been brought before the Court." (Q. 4995*b*).

The Right Reverend Dr. Healy, Roman Catholic Bishop of Maine, who gave evidence before the Commission when at Portland, said:—

"I was a witness on the same matter when the law existed in the State of Massachusetts, and I was called before the Legislature in connection with it, * * * In my parish then, which was one of the largest in Boston, this prohibition exerted a very bad effect, and in this way: The poor people made it a rule to oppose it.

When it was carried out,—as it always was for a little while when a new Sheriff or a new Chief of Police got into office—it sent rum into the families. Instead of taking a drink, a man carried it home, and I found there, as I find here, that it did a great deal of harm in that way. * * * The intention of those who made such a law, I am not going to question; but it corrupts every set of officers that has anything to do with it. It is a fruitful school of perjury to all the witnesses who are called upon to testify in these cases; and it degrades the idea of law to the poor people, who say that it is only law to them, and that it is not law to the richer classes. * * * In the rural districts where it is supported by public sentiment, it does prohibit to a degree, but it does not completely prohibit. * * * All along the New Brunswick line they always get what they want, and my priests who are in charge of my Acadian people up there make a great deal of complaint about the abuse of liquor among them. I can say that these are a good people. Among the twelve or fifteen thousand people a case of adultery has never been tried before the courts; there never has been but one man tried for attempt to kill, and he was not convicted. I speak of the North-eastern district of Maine, up along the St. John's river. * * * I merely mention this to show that the liquor law does not prohibit in that rural district.

"I do not deny the good intentions of those who made the law. They are perfectly savage in their attempts to enforce it, and they are always wanting to make it more stringent. There is another feature with regard to it: the more of these poor people they put into prison the less dreadful the prison becomes to them. They do not look upon it as a disgrace to be sent to gaol, but they rather look on themselves as victims. I think in our prison there are a hundred and twenty persons, sometimes in the winter; first the father, then the mother, and then the children. But they do not look upon it as a disgrace: rather, as I have said, they look upon themselves as victims of an oppressive law. I am sorry to say that they are mostly among my own people, and it distresses me very much. We preach to them of temperance; we are bound to do it as we preach on all virtues; but what can I say when I come to preach to them about this law? If I endorse the law they say, 'You are putting yourself in the hands of those who are oppressing us'; and this law, therefore, completely destroys our influence over them. To tell you the truth, we scarcely dare to speak to them of it.

"This prohibitory law corrupts the officials from high to low. Every sheriff and official connected with it, whom I have known, has submitted to bribery in some way; and every officer that I have ever heard of, who was on the force for any length of time, has accepted bribes. I know that the men selling liquor were levied on for bribes; they had to pay so much a week, or so much a month, and that went into the corruption fund."

"Have you any temperance organization in connection with your church?" "We have not any now. We had some in former years, but, as I say, this prohibitory law has destroyed it. We have but one in the state, I think. The law takes all the enthusiasm out of it."

"Do I understand you to say that you have one temperance organization now?" "There is only one that I know of."

"And previously?" "There were several. When I came here there were quite a number. We had one in Portland, and kept it up for a length of time. Some of the men said, 'There is no use in an association for me, because I have to be temperate, and I will not join.' You see how it is with us. We cannot join in a principle that we consider is an unsound one. Now, when they (the prohibitionists) say that it is a sin and a crime to taste liquor or to sell liquor, we cannot join in that.

"Do you think that the prohibitive law has had the effect of demoralizing the efforts of temperance people? I cannot answer that, but with us it has had that effect. The execution or enforcement of the law is made a political engine, and every time there is an election there is a let-up of this enforcement: that is beyond all doubt. There is no public man in Portland or in Maine who will not tell you that, if he speaks out his mind. It has made quite a corruption fund for the elec-

tions. The principal thing against it, in my opinion, is—and I look upon it as a great evil—that under this law witnesses do not hesitate to perjure themselves. A man may have nothing to do with liquor himself,—he may be a respectable, quiet man, he may never have touched liquor in his life,—but if a policeman sees him coming out a place that is suspected, he is brought before the court, and he is obliged to tell whom he saw in that place, whether he saw liquor or not; and if he does not tell, he goes to jail for contempt. You know how that works with poor people, and with other people too. The poor people have to go to jail if they do not tell all, and in some cases I am afraid that a man may commit perjury rather than betray a friend. All the preaching in the world will not convince them that an oath is as sacred and as binding in that as in other cases. I do not hesitate to say that, as far as the officers enforcing the law are concerned, it is a school of corruption. There is a second fact which has a very serious effect on the people, and that is that this prohibitory law destroys their reverence for all law. They compare this law with other laws, and they say it is the oppression of the poor. They say that a rich man can have all the liquor he wants, and can order it for himself, and that this law is only aimed at and executed against the poor." (Q 5212*b*–5229*b*).

The Roman Catholic portion of the population of the state is said to have largely increased, and to now form probably nearly twenty-five (25) per cent of the whole (Q. 8662*b*–8663*b*).

The following are extracts from evidence given before the Commissioners by the Right Reverend Dr. Neely, Episcopal Bishop of Maine:—

"I do not think it is claimed, even by those who are most enthusiastic in support of the measure, that it has done any very distinct service in our cities. I should say that it has not done any good during the time of my residence here. There is no marked change in the condition of the cities.

"Have you any temperance organizations in connection with your church, Bishop Neely?—A. We never have had here. There is a Church of England Temperance Society that has numerous branches throughout the world. I have never introduced that society into Maine, because of the feeling that the moment we would do anything of that sort, we should be denounced as friends of the rum sellers. We should be denounced, as our friend the inventor of this law denounced the Church of England temperance societies when he came back to Portland from a visit in England. I have felt that if we introduced that temperance society here, we would put ourselves into this position. People who call themselves temperance people, by which they mean total abstainers, denounce moderate drinking, as the Bishop of London was denounced and all his associates, because they do not insist on total abstenance. A gentleman who was courteously invited to make an address before them, because he was known to be a great temperance advocate in America, came back to Portland here, having accepted their courtesy, and gave an address here and made astounding statements with regard to the effect of this prohibitory law, and publicly denounced the Bishop of London and his associates as not temperance men at all, but as advocates of drinking. They were denounced as opposed to temperance because they did not believe, in England at any rate, the practicability of prohibitory measures. I have not very much confidence in legal measures or law of any kind for enforcement of morality of that kind, and I have very much more confidence in the cultivation of a high moral religious sentiment in this matter. I think they ought to put drunkenness where it ought to be. It is not the use of this or that or the other thing, but the abuse of it, which is destructive morally and physically. Drunkenness is put down by St. Paul in the category of a deadly sin, shutting out a man from the Kingdom of Heaven as much as adultery or murder. Let it be regarded as a deadly sin and let the law punish it as it would any crime, and you will stop drunkenness."

"Shall we be correct in concluding, Bishop Neely, that your Church is not making efforts which it otherwise would make in the temperance movement, because the sentiment here is directed towards the enforcing of prohibition?—I officially have not thought it expedient, in response to requests to me to that effect, to ask my people to take up that matter, because I felt that many people were so wedded

to this one system of prohibition that I did not want to have them feel that I was out of sympathy with them in their efforts to suppress this vice, or, rather let them think that I had less desire than any one else for its suppression."

"The other clubs which have been spoken of to the Commissioners are not organized clubs, they are simply coteries of young men who call these clubs, and get together and have their bottles in their closets. I am afraid that these clubs have had a very bad effect indeed, and that young men who never drank at all previously have done so in the secrecy of the club, as they call it. They would not be seen to drink over a bar; but they do it in these club rooms. I do not think, however, that that exists to such an extent as it did a few years ago.

"The system which I have described of issuing so many search and seizure warrants, is it not likely to lead to corruption? A. One would think so."

In the Portland *Daily Advertiser* appeared on 1st July, 1892, a list showing the disposition of each appeal case and indictment for violation of the laws regulating the use and sale of intoxicating liquors at the May term of the Superior Court of Cumberland County. The list, published in accordance with the law, contains 234 cases. Portland is in Cumberland County. The population of the county, including that of the city, in 1890, was 90,949, of the city 36,425.

A statement prepared by the Clerk of the Supreme Judicial Court of Penobscot County, population 72,865, for the information of the Commission, shows that at the beginning of the year 1881 there were 95 cases of all kinds pending in the court, of which 24 were liquor cases; and between that date and the year 1893, the cases entered were as shown in the following table:—

| Year. | Liquor cases. | Other cases. | Total. |
|---|---|---|---|
| 1881 | 37 | 59 | 96 |
| 1882 | 54 | 27 | 81 |
| 1883 | 54 | 71 | 125 |
| 1884 | 87 | 65 | 152 |
| 1885 | 60 | 148 | 208 |
| 1886 | 59 | 157 | 216 |
| 1887 | 61 | 56 | 117 |
| 1888 | 99 | 60 | 159 |
| 1889 | 70 | 78 | 148 |
| 1890 | 68 | 63 | 131 |
| 1891 | 39 | 56 | 95 |
| 1892 | 287 | 57 | 344 |
| 1893 | 259 | 35 | 294 |

The clerk estimated that of the liquor cases about three originated in the city of Bangor, as compared with one in other parts of the county, and added, in a letter dated 17th July, 1893, the following explanation:—

"As to the causes of a large number of prosecutions in 1892 and 1893, I can only say that our County Attorney in the discharge of his duties as such in this county caused everyone holding a United States license as a liquor seller to be indicted under a clause of section 4, chapter 132, of the Public Laws of 1891, which states that 'the payment of the United States tax as a liquor seller, or notice of any kind in any place of resort indicating that intoxicated liquors are there sold, kept or given away unlawfully, shall be held to be *primâ facie* evidence that the person or persons paying said tax, and the party or parties displaying said notices, are common sellers of intoxicating liquors, and the premises so kept by them common nuisances.'"

In the Lewiston *Journal* of 1st July, 1893, there was published a list of 125 seizures of liquors of various kinds made in the cities of Auburn and Lewiston between 28th March and 27th June, 1893. These seizures comprise 4,566 gallons of ale and beer, 446 gallons of whisky, 13 gallons of brandy, 57 gallons of rum, 75 gallons of gin, and 281 gallons of alcohol. (Appendix 5, vol. 5.)

The High Sheriff of the county (the Hon. Benjamin F. Hill), in giving evidence before this commission, stated that this list was only incorrect in that it did not

embrace all seizures actually made. Over 200 seizures were reported between January and July, 1893.

In the evidence given by an ex-marshal of the city of Augusta (Henry F. Morse), it was stated that 750 packages of liquor had been seized by the police of the city from the express companies between June 25 and August 5.

The evidence taken before the Commission tends to show that the enforcement of the law is not uniformly energetic and effective, but, nevertheless, that its enforcement leads to prosecutions which constitute 54 per cent of all the cases before the Superior Courts of the State. (Appendix No. 110).

General Neal Dow, in answer to questions put to him, said: Do you know if it is a fact that there was a wide open bar there (Augusta) during the last session of the legislature?—I do not know, but I should not wonder, because the politicians stay there, and the law has been very imperfectly enforced in recent years.

"How are we to account for the frequent appearance of the patrol wagon on the streets and the number of drunken people we saw (in Portland) yesterday, Sunday?—I suppose they were drunk.

"But the present sheriff has been rigorously enforcing the law, and I understood from the liquor agent that he closed up on Saturday afternoon?—Yes.

"I saw quite a number of drunken people yesterday, and the patrol wagon out two or three times? As matters are going now, there would be no great difficulty in persons who are bound to have liquor finding it in some way or other. Those people who are under the influence of the alcohol habit will find some way to obtain it, but they have to go out of the way to get it.

"The sheriffs were empowered by special act to look after this matter, because the police force throughout the country did not do anything. (Q. 5443*b*–5453*b*).

"You have stated, I think, that the majority of the people in Portland are in favor of the prohibitory law?—That was their vote on the constitutional amendment.

"We have it in evidence that liquor is sold very extensively in the city agency, and it is certainly not confined to the purposes which the law, in establishing the agency, designed it should. Is it quite consistent on the part of a community favoring prohibition to permit practically a free sale of liquor at that agency, and to employ at the same time a large force of men to go round the city and convict people for selling liquor? You have a staff going around taking these people before the courts, and yet under the auspices of the city you have free sale of liquor. Is that in accordance with prohibition sentiment?—The Methodists are a very great body of religionists in this country, and always at their conventions they form a grand resolution against the liquor traffic. There is hardly any language in the English tongue that they do not use against the liquor traffic. Nice men they are, and educated men too; but after that they go directly round and vote for rum. The Presbyterians all do the same thing, and the Congregationalists will do the same. When I have occasion to speak to them, I say 'I would rather you would resolve against temperance. and pray against temperance, and then vote against rum, rather than you would pray and resolve against intemperance and then go and vote against rum.' This whole question of redeeming the nation from the liquor traffic is a question of votes. It never can be done in this country, or any other country, without the votes of the people. And so the *Christian at Work*, a great New York religious paper said: The liquor traffic as it exists in this country is by the permission of the Christian churches.' That is so. Those people, as I said, pray against rum and resolve against rum, but they vote for rum. What I mean by that is, that they go and vote the Republican ticket, as I did for years. Neither the Methodists, nor the Presbyterians, nor the Congregationalists vote against rum, but they vote the Republican ticket, rum and all.

"What is it difficult to understand, is why if the prohibition sentiment is so strong as it is asserted to be in this state, the people do not put into office those who would give effect to the law? It is a wonder and I cannot account for it very easily I was walking in the street some time ago, and I met a Doctor of Divinity, a man who was widely known and he said: 'It will take you a long time to accomplish your purpose of putting down grog shops when the temperance people are not voting for

it.' 'That is very possible,' I said, 'it may take us a very long time, but if it takes a long time, it is because you and such as you do not help. If you did help we would put the grog shops down to-morrow."

"If the prohibition sentiment is predominant in the state of Maine, what steps are the people taking to put an end to this condition of things? We are trying to show the people of Maine that if they are in favour of prohibition, they must show it by their votes, ane not by what they say. On the platform I very often refer to the action of the Republican and Democratic parties in this respect. I say that the Democrats like whisky, and go for whisky honestly and openly, and the Republican party do not believe in whisky, but they go for whisky all the same. That is the only difference between the two.

"May we attribute the laxity of enforcement throughout the different parts of the state to a want of sympathy amongst the politicians? Yes, the state of things existing here is really demoralizing. Although the law of the state has been on our statute book for forty-two years, and has been re-affirmed by a majority of 47,075 of our people, it is not enforced in some places. I am sorry to see some of our judges ignoring the law. That is very demoralizing, and it tends to lead the whole people of the State to illegality." (Q. 5740*b*–5812*b*.)

The Hon. Judge Gould was asked: "Have you formed any impression from the cases that have come before you as to what proportion of those that got drunk got their supplies from the city agency? For two or three years it was pretty difficult to tell, but I should say that probably last year one-third did." (Q. 4938*b*.)

Judge Gould in giving evidence, stated that there had not been one conviction against the city liquor agency; that the law provided that liquor at the agency should be sold only for medicinal or mechanical purposes, and that he had no doubt but at any time last year (that was 1892), if any one had taken the pains to go and make enquiry, the agent could have been convicted for illegal selling. (Q. 4947*b*–4950*b*.)

The devices resorted to in order to obtain liquor by those who sell contrary to law are numerous and ingenious. One not unfrequently adopted is to have packages of liquor addressed to respectable citizens, whose names are a guarantee that they would not act contrary to either the spirit or the letter of the law. These packages are intercepted before they reach their destination. This practice has doubtless led to seizures being made by the sheriffs of liquor imported for their own use, this being legal under the law, the consignees being able, only after much trouble and publicity, to obtain the supplies purchased by them. Then there are sales under false designations, and it is certain to a very large extent the spirits supplied are inferior in quality and are frequently adulterated.

In consequence of statements made to the Commissioners who visited Maine in regard to a regulation said to be in force under which liquor is supplied to the disabled veteran soldiers who are cared for in the National Home at Togus, the chairman of the Commission communicated with the governor of the home, General Luther Stephenson, from whom a letter was received which contains the following statements:—

"I would say that the practice of selling lager beer to the members of the home was commenced about twenty years ago, and was first introduced at this place with the idea that by furnishing members with this beverage they would be less inclined to drink the more intoxicating liquors. The result of the experiment proved this idea to be correct, and since that time the sale of lager beer has been introduced generally, by order of the board of managers, into all the other branches of the National Home.

"A large majority of the soldiers who seek admission to the National Home are men who have been accustomed to the use of liquor. It was found necessary, in order to preserve discipline in the home and to keep this class of men from going outside and purchasing the vile liquors which are sold all through the state of Maine, to provide them with this mild beverage, and the result has been, in some of the homes after its introduction, that the amount of drunkenness has been decreased fifty per cent. Although this is known as a prohibition state, yet my experience of

ten years as governor of the home has fully convinced me that the law prohibiting the sale of liquor in the State of Maine, with the manner of its enforcement, is simply a farce. There is no difficulty, at least for the veteran soldiers, to procure liquor, not only in the cities of Gardiner and Augusta which are situated nearest to this place, but also in the immediate vicinity of the home, where there are a score of places where compounds of an intoxicating nature can be purchased.

"I get but little assistance from the officers of the law and the enforcement of the statutes in relation to the sale of liquor, and am obliged to depend almost entirely upon what we furnish them in the shape of lager beer and the enforcement of the penalty for drunkenness."

The evidence taken shows that anyone desiring to secure a supply of liquor can get it by depositing in an express office the amount which he wishes to expend, with directions to whom the money is to be paid in Boston or elsewhere.

Mr. W. H. Greene, express proprietor, stated:—

"If a man or woman comes in and says he or she wants a gallon of whisky or keg of beer, I take her order, and ordinarily in every case ask if it is for her own personal use. I cannot do any more than that. I comply with the law and I let her sign an order and I send away and I get the liquor. I find that within the past ten years you cannot place much reliance in most anyone in regard to liquor. Almost anyone will lie about it. If they want the liquor for sale they will tell yo usometimes they want it for their own use. They know the law as well as I do, and they know that if we bring it into the state knowing it is for sale we are liable to the law.

"I had occasion, in conversation with Judge Fox of the United States court, previous to his death, to speak on the subject. I made the statement that I thought the prohibitory law had lowered the standard of truth in the state of Maine more than anything else that had happened here, and he agreed with me.

"In general, large quantities of liquor come every day, and previous to holidays extremely large quantities come in. I have no doubt that next week, on the night of the 3rd of July, it would be no exaggeration to say that we will have forty or fifty packages.

"What is about the quantity of each package?—Well, from one to two or three gallons, and malt liquors come in kegs and half barrels.

"Are there many express companies in this city besides your own?—Yes sir there are four run to Boston.

"Do the other express companies receive as large quantities of liquor as you do?—My impression is that they have more.

"Each of them?—Yes, each one of them transports more; because it is a well-known fact among the people of Portland that we do not cater for that business. We take it merely as we take any other business.

"How many packages do the five express companies receive generally every day, and bring into the city of Portland?—I cannot say for the other companies.

"Well, about how many packages?—If they have as many as we, and I think they have more, I should say there would be 100 packages a day come in by express. I think, however, that is but a drop in the bucket to what does come in. I judge that from a question I asked of a man in the liquor business. He was a wholesale liquor seller here a few years ago, at a time when the law was being fully as rigidly enforced as it is now. He used to send his money and pay his bills in Boston, to our agency, and one night he came in with somewhere about one thousand dollars. While I was counting out the money, I said to him: 'I should think these thousands of yours would worry you to death. I would not be in it for any consideration.' He said: 'I do not worry much about it. The getting in of two or three barrels of beer causes me more worry than a whole carload of whisky.'" (Q. 6435*b*-6450*b*).

It follows as a matter of course, that under the operation of this law all amounts paid for liquor consumed in the state of Maine are remitted to places outside the state, excepting in the case of cider, or such other liquor as may be manufactured

illicitly. The quantity of the latter is probably comparatively small, although evidence was given of very vile compounds being concocted occasionally and sold for beverage purposes. (Q. 7557–6015*b*).

The evidence of judges and others is emphatic in declaring that false swearing in connection with these liquor cases is of frequent occurrence.

The law of the state provides for the establishment of a State Liquor Agency, under the charge of a commissioner, for supplying pure liquor for medicinal, mechanical and manufacturing purposes at cost price, plus a percentage to cover expenses, to all city, town and county Liquor Agencies.

The following is the report of the Commissioner for the year 1893:—

Augusta, Dec. 29—State Liquor Commissioner P. P. Gilmore made his annual report to the council to-day. His total sales of liquors to twenty-four towns and cities were $130,812.29, divided as follows:

| | |
|---|---|
| Auburn | $ 9,179 |
| Augusta | 5,145 |
| Albany | 348 |
| Biddeford | 19,676 |
| Bath | 3,862 |
| Bangor | 8,631 |
| Bethel | 850 |
| Bucksport | 2,832 |
| Fayette | 116 |
| Greenwood | 1,206 |
| Gardiner | 3,400 |
| Hartland | 813 |
| Lewiston | 9,723 |
| Machias | 2,215 |
| Mt. Vernon | 184 |
| Portland | 48,437 |
| Phillips | 979 |
| Richmond | 3,527 |
| Rangeley | 248 |
| Rockland | 2,916 |
| Randolph | 1,204 |
| Topsfield | 6 |
| Turner | 250 |
| Waterville | 5,065 |

The sub-agencies, which are established and regulated by the local authorities, order their supplies of liquor from the State Commissioner. The practice seems to be for the latter to supply the names of a few persons or firms from whom liquor is to be purchased, and the sub-agents, in their applications, can name any of these as the person or firm from whom they wish their supplies to be purchased. The city, town and district agents sell to the public, adding to the price paid to the State Commissioner a certain percentage to cover the expenses of the agency.

It will be sufficient for the purpose of illustrating the system to describe what is done in the city of Portland, where the Commissioners had full opportunity of making themselves acquainted with the working of the agency. It is possible, however, that there are other agencies which are conducted more strictly in conformity with the spirit of the law. In Portland, as elsewhere, the appointment to the agency, which is considered a valuable one, appears to be bestowed as a reward for political services. The establishment is situated at the corner of two important thoroughfares near the city hall. The agency was visited by some of the members of the Commission on two or three occasions, and there was at no time an absence of purchasers, occasionally members of both sexes being present.

The following is a statement of the amount of sales at this agency from 1870 to 1892:—

| | |
|---|---|
| 1870-71 | $ 3,050 55 |
| 1871-72 | 6,677 00 |
| 1872-73 | 19,340 62 |
| 1873-74 | |
| 1874-75 | |
| 1875-76 | 1,748 82 |
| 1876-77 | 6,500 00 |
| 1877-78 | 18,025 00 |
| 1878-79 | 9,786 54 |
| 1879-80 | |
| 1880-81 | 26,850 00 |
| 1881-82 | |
| 1882-83 | 19,615 50 |
| 1883-84 | 20,885 69 |
| 1884-85 | 20,520 31 |
| 1885-86 | 28,974 66 |
| 1886-87 | 22,164 74 |
| 1887-88 | 26,133 33 |
| 1888-89 | 20,667 89 |
| 1889-90 | 23,770 27 |
| 1890-91 | 22,356 51 |
| 1891-92 | 58,742 76 |
| 1892-93 | 84,848 33 |

It will be noticed that for the last year the sales amounted to nearly $85,000, and it may be mentioned that there was, after payment of all expenses, a net surplus of $17,758, which was applied to schools, quarantine station, &c. The agency is closed at 4.30 p.m. on Saturday, and on June 24th, one of the days on which the commissioners were in Portland, the pressure of work at the agency was so great that the agent, although he is supplied with assistants, was unable to make an appointment with the commissioners until after the hour mentioned. The present agent is entering upon his second year in office. The circumstances under which he was continued are stated in the evidence. The agency is supervised by a committee of three members of the board of aldermen. That board, in 1893, was composed of four Democrats and Republicans. The mayor has in certain matters the casting vote.

The evidence taken by the Commission tends to show that when the terms of the prohibitory law are very strictly enforced in the city the sales at the agency increase, and, on the other hand, when the law is not very stringently enforced, the sales at the agency diminish.

It was not claimed by anyone from whom the Commissioners obtained evidence that the sales of this agency were confined to the purposes which the law contemplated, namely, medicinal, mechanical and sacramental. The system pursued is to keep a register of all liquors sold. Every applicant is required to state verbally if it is for himself and the purpose for which he needs the supply he desires to purchase. If it is for some other person he must present an order. The agent uses his discretion as to granting or refusing the application; but he is forbidden by the terms of the Act to sell to the following persons, namely:

"To minors, without written direction of their parents, master or guardian; an Indian, soldier, a drunkard, an intoxicated person, any person liable to guardianship, to any intemperate person, of whose habits he has been notified by his relatives, or by the aldermen, selectmen, or assessors of any city, county or plantation."

The accounts of the agent in Portland are audited by the City Auditor, and the business of the agency is supervised by the committee of aldermen already referred to.

The Commissioners could not ascertain that proceedings had at any time been taken to secure that the sales at the agency in Portland should be confined to those purposes which the law contemplated, and the anomaly is presented of sales of liquor being made on a large scale, under arrangements sanctioned by the city government, whilst the county and city officials are simultaneously engaged in prosecuting illicit vendors of half-pints of whisky or other spirits.

The following are further extracts from the evidence given before the Commissioners by General Neal Dow.

"The State Commissioner nominates these Boston people from whom the city liquor agents must get their liquors? It is all a violation of the law. Everything he does in that way is a violation of the law. The law contemplates that he shall buy the liquor and keep it in stock, and when the law creating the State Commissioner was enacted, that is the way it was done." (Q. 5417*b*).

"Are we to understand from you that the state commissioner does not keep a supply of liquor himself? No, because it costs a great deal of trouble, and he would have to invest money in it." (Q. 5418*b*).

"To what party does that state commissioner belong?—He is a Republican." (Q. 5419*b*).

"And that Republican officer nominates these rum sellers or wholesale liquor merchants from whom the liquor agents have to buy?—He evades the law." (Q. 5420*b*)

"The Republican State commissioner evades the law?—Yes, he evades the spirit of the law. The law contemplates that he shall have a stock of liquor on hand from which he will supply the local agents. The commissioners, when first appointed, did that. My friend, Mr. Chance, who was a temperance man in this town, was commissioner. He had a large stock of liquor on hand and a good deal of money was invested in it, and of course he lost the interest in the investment; and when he was changed he had a good deal of trouble in getting the new man to take his stock of liquors off his hands. The state commissioner, when he comes into office, does not want the trouble of keeping a stock of liquors on hand from which he will supply the agents, and so they give an order to the local agent on Mr. So-and-so, of Boston, to supply them in the name of the commissioner." (5421*b*).

"We are informed by persons who testified here, and I believe it is a fact, that the state commissioner says, 'You must buy your liquors from these four men'—I suppose so." (Q. 5424*b*).

"We do not understand why the local agents should be restricted to buying from four firms?—Because the commissioner is making as much as he can out of it, and the commissioner goes around and mokes a bargain with those four people that he will give so much for the liquor." (Q. 5425*b*).

"That is the suspicion? Yes, we do not know it. We are not there when they do it." (Q. 5426*b*).

"At any rate, the State Commissioner can purchase liquor from whom he likes? Yes." (Q. 5427*b*).

"Although he is supposed to keep a stock on hand, he does not do so, and he can buy whenever he wishes? Yes, that is right." (Q. 5428*b*).

"If he (the State Commissioner) says to the local agent, 'you shall only purchase from these four firms which I name,' the city agent in Portland has no alternative but to comply with that order? Yes, that is so. You may very well wonder why it is that this state of things should exist, and the reason of it is that the Republican party in power does not want to do anything more than it can possibly help to offend the rumsellers, because they want their votes."

"Did the legislature in that year not also amend the law in this respect, that they gave the judges discretionary power to impose a fine or imprisonment, whereas previously the law provided for a fine and imprisonment? Yes, the legislature did that; but even the judge had exercised that discretion irrespective of law, and so last year they enacted that the judges might use their discretion. I told the legislature that, no matter how good the law might be, it would amount to very little, unless they took away all the discretion from the courts.' That was in the original Maine law. The original law said that cases arising under this Act should take

precedence in the courts of law of other cases, except those where parties were actually in jail." * * *

"I am sorry to say that some of the courts manage these rum cases in a very scandalous way. A man will be convicted, and they will put him on what they call a special docket. The fine will not be imposed upon him, and the penalty of imprisonment will not be imposed upon him, and there will be written at the foot of the docket the word "continued," that is, that he is not to be brought forward for punishment without special order from the court. In one case there was one man's name eight times, one under the other.

"My conviction is settled, that we can never sweep out entirely the liquor traffic in the lifetime of the Republican party, because they refuse to give us amendments to the law which are absolutely necessary towards that end. The liquor traffic can never be put down so long as there is any profit remaining in it. It is carried on for the profit and not for the fun of the thing. If I could drive you around our streets, I could show you some very fine houses owned by rum sellers, who made their money out of the rum.

"Have these rum sellers amassed this property since the prohibitory law came into force? Yes." (Q. 5429*b*–5436*b*.)

The claim frequently advanced that the prohibitory law has closed all the breweries and distilleries in the state, and thereby largely reduced the sale of intoxicants, is doubtless literally correct. It is manifest that if the law was to be enforced at all, brewing and distilling in the state must cease, and, moreover, that the manufacture having ceased, the sale of intoxicating liquors within the state must be diminished, the sales of these establishments being included in the one period and not in the other. A large proportion of the products of the distilleries and breweries previously carrying on business was doubtless, however, sold for exportation from the state, and the closing of these establishments does not necessarily demonstrate that the actual consumption of liquor has largely diminished. It is to be regretted, in so far as the work of this Commission is concerned, that there are no statistics from which information can be gathered concerning the consumption of intoxicating liquors within the State of Maine. One witness, Mr. W. H. Orr, who gave evidence in Toronto, made the statement that he thought he could get statistics of the consumption of liquor in the State of Maine in a little while, and he was solicited to do so, and supply them to the Commissioners. (Q. 10457*a*, 10536*a*, 10540*a*.) In a letter dated 18th July, 1894, which will be found in the volume of evidence No. IV., pt. 2, as Appendix No. 6, he has explained his inability to supply the information. The suggestion of Governor Burleigh, that the Commissioners should apply to Gen. Neal Dow, was acted upon. The General appeared on two occasions before the Commission, but he was not prepared to furnish particulars of the consumption of liquor either before, or subsequent to the adoption of the prohibitory law, and the Commissioners are justified in concluding, looking at the statement made by the chief of the Bureau of Statistics, Washington, referred to at page 666 of this report, that anything approaching to exact information on this point is not to be obtained, but that very considerable quantities of liquor are consumed in the state, the sales at the various liquor agencies and the evidence of the express agents and others, together with the statistics of drunkenness referred to elsewhere, conclusively prove.

In social clubs in some of the larger centres of population the members procure their own supplies of liquors, and are provided with conveniences which secure them the individual control thereof. Clubs are formed, in some instances at least, with the sole object of enabling members to secure intoxicants for personal use, without subjecting them to the penalties of the law. What is known as "pocket peddling" is common in many of the cities, which simply means that a supply of intoxicants is secured and carried about on the person and retailed at the corners of streets, or in lanes and in alleys to whomsoever may be willing to purchase. The evidence collected by the commission all tends to show that the liquor sold in this way is of the very worst description.

In small communities, or what may be called villages and townships, the prohibitory law is unquestionably more effective in preventing the distribution of intoxicants. It is natural that such should be the case, for where the inhabitants are all known to each other, and the business of each is known to his neighbour, the carrying on of an illicit trade is obviously rendered difficult, especially if public sentiment is in favour of the law; but, nevertheless, it would probably be a very difficult matter to find any village with more than one thousand inhabitants where intoxicants could not be purchased by those who were bent on obtaining them.

At Augusta, the capital of the state, there is very little attempt made to conceal the fact that liquor is sold, and some of the Commissioners had pointed out to them several places where it could be obtained. They also were informed that during the session of the legislature, which took place in the early part of the year, there were practically open bars at one or more of the leading hotels. A liquor agency was established in that city in 1893. The receipts from 15th May to 9th December, 1893, were $4,475. At Bangor there is an open sale of liquor, and the prohibitory law is not enforced. The city government cannot, of course, make by-laws regulating the sale, as it is prohibited by the state law, but the authorities act upon an unwritten regulation, which is to the effect that if the vendors keep orderly places, close at ten o'clock at night, do not open before six o'clock in the morning and keep their places closed on Sunday, the police authorities will not meddle with them. A liquor agency exists in that city, the receipts of which from 1881 to 1891, inclusive, were as follows :—

| Year. | Receipts. |
|---|---|
| 1880-81 | $ 9,377 25 |
| 1881-82 | 11,350 00 |
| 1882-83 | 9,825 00 |
| 1883-84 | 8,340 46 |
| 1884-85 | 6,161 28 |
| 1885-86 | 6,722 95 |
| 1886-87 | 5,815 00 |
| 1887-88 | 9,594 51 |
| 1888-89 | 11,973 12 |
| 1889-90 | 13,504 91 |
| 1890-91 | 14,045 37 |
| 1891-92 | 9,960 36 |
| 1892-93 | 9,984 34 |

With open sale of liquor in the city, it would follow that the sales at the agency would be comparatively small.

The number of cases before the Supreme Court of the county of Penobscot, in which Bangor is situated, for breaches of the liquor law, compared with the total number of all cases, has been already referred to.

Pittsfield, a village with about 2,500 inhabitants, possessing three large woollen mills, situated on the main line of the Maine Central railway, was visited. It was selected as a place that would fairly illustrate the working of the prohibitory law in the rural districts. The Commission sat in Pittsfield on July 3rd, and left it on the morning of the 4th, when there was a good deal of excitement over the celebration of Independence Day. The village was orderly, and there were few cases of intemperance. The hotel in which the commissioners stayed, in reality the only one in the village, had been searched the previous autumn, and liquor being found, proceedings were taken against the landlord, as a result of which the house was closed for about three weeks. Suspended sentence was hanging over the man at the time the Commissioners were in the village. Comparatively recent proceedings had been taken against one or more persons for selling liquor in the village; and the opinion was entertained, and was expressed by the strongest advocate of prohibition in the village, that liquor was probably being sold at a certain establishment not far from the hotel. There had been no arrests for drunkenness for some time previous to the date of the Commissioners' visit.

The district in and around Pittsfield, like many others in the State of Maine, produces very excellent apples, and cider is made in considerable quantities. A cider mill in the village was visited by the Commissioners. The law in regard to the sale of cider is, that while its manufacture is permitted, the sale is prohibited if it is sold "to be used as a beverage or for tippling purposes." (Sections 28 & 29).

The provisions of the law have been amended once or twice, so that practically the sale of cider for beverage purposes is now prohibited; but any person producing apples within a reasonable distance of a mill could take them to it, and have them manufactured into cider for his own use. There is undoubtedly a good deal of cider drunk by the agricultural population. Various estimates of the quantity of alcohol in cider were given, ranging from four to ten per cent.

Winthrop, another village on the line of the Maine Central railway, and containing a population of about 1,200, was visited on July 4th. There was a large number of strangers in the village on that day, and all were very orderly. Little evidence of drunkenness was observable, although it was apparent that liquor could be obtained. The inhabitants, embracing a considerable number of French-Canadians, appear to be sober and industrious.

The city of Lewiston was next visited, the population of which is about 22,000. There was a large influx of visitors on the day of the Commissioners' arrival, and the inhabitants were keeping holiday. There was some drunkenness seen in the street, and the evidence gathered by the Commission shows that only a limited restriction is placed upon the sale of liquor in that city. Important evidence was given by the Hon. W. H. Newell, Counsellor-at-law, Mayor of the city for the year 1892. Mr. Newell is a gentleman of position and high character in the community. His statements in regard to the not infrequent partizan proceedings of officers charged with the enforcement of the law are supported by evidence obtained elsewhere in the state. Recent seizures of liquors appear to indicate that there is a large number of vendors and a wide demand for liquor in this district.

The following are extracts from Mr. Newell's address to the City Council, printed in the official report of the city for the year 1892:—

"The law does not mean that a warrant shall be taken out of court by an officer, and that before searching the place described, a trusty messenger shall call upon the owner and notify him that the officers are about to come. It is a matter of common knowledge that this method is pursued. For ten years there has not been a man engaged in the business against whom there was not the strongest kind of suspicion that he was taking bribes from the liquor sellers.

"I have said to you, gentlemen, but a tithe of what is known, not only to you, but to myself and every other citizen. It is not possible at all times to draw a line between the rum seller, the rum sympathizer, the temperance advocate, and the temperance reformer. There are times during the year when the interests of all the above classes become so intermingled that it is difficult to distinguish to which class a certain coterie of each kind belong, for the reason that they all work in the same line, to accomplish the same result, and forget, for the time being, their differences.

In evidence before the Commissioners, Mr. Newell said:—

"This prohibition subject is entirely a political matter. That is the truth of it, and that is the ruination of it.

"I think the prohibitory law, so far as the country portion of the state is concerned, is a success. Public sentiment backs it up; but so far as the cities of the state are concerned, I do not think it is a success in any sense of the word. For instance, I was in Augusta, when the Legislature was in session, for some two weeks last winter. The Governor, the Speaker of the House, and about every leading member of the House and Senate stopped at the Augusta House. There was an open bar in that house, and everybody knew it, and it was run all the time, and the highest officers of the state were right there, and knew it, and winked at it. This is one example of the way the thing is done. * * *

"We have at the present time two deputy sheriffs, whose entire business consists of the enforcement of the liquor law. I rather think that when I was Mayor,

they had two deputy sheriffs, and two state constables appointed by the Commissioner, who did no other business.

"By common consent, when these men were put on, the city police force did not have anything to do with the liquor traffic, and these state and county sheriffs did the business. I would not say anything about the two sheriffs that are there now, because I do not know anything about them, but up to the time of the appointment of these two, I do not think there was an honest man in the lot, nor do I think there was a man amongst them who was not bought.

"What do you mean by that?—I mean to say that a certain lawyer in this town is one man, the sheriff of this county is another man, the two liquor deputy sheriffs were two more men. This lawyer, as it is claimed, went around to the different men who wanted to sell liquor: one man paid $5 per month, another $10, and another $15, according to his traffic and means. This lawyer collected the amounts. The sheriff had half, and the other two had the other half: that is hearsay, but from everything that I could understand, it points in that direction.

"You say it is hearsay, but do you believe it to be true? Yes, sir. Two years ago last Fair time, there was an agreement between the hotel-keepers and liquor sellers in town, that during Fair time nobody should be touched for selling liquor; that they should be allowed to sell freely.

"Who was that arrangement made with? With the Sheriff of the county, the hotel men and the liquor sellers. The leading grocer in this town was the middleman who did the business. (Q. 8884*b*-8898*b*).

"They are using this question of prohibition in politics? Yes, and it is a disgrace to the politics of the State of Maine that this thing is as it is. There is an enormous lot of crime and perjury, and everything of that kind, done in the name of temperance here. (89195).

"Do you think that the strict enforcement of the prohibitory law has had the effect of driving the use of liquor into the homes of the people? I have no knowledge of that, but it is generally understood that it has that effect. If you shut down on these places in Lincoln and Lisbon streets, which are two business streets, for every place you shut down there, you will open half a dozen kitchen bars and dives. It is not so easy to reach these places, and they are the worst things in the world." (Q. 89315).

In Auburn, a city on the other side of the Androscoggin River, with a population of 11,000 inhabitants, the law is said to be more strictly enforced. The number of arrests made by the police (Appendix, No. 4, M), would indicate that there has not been much intemperance in the community. A letter from the City Marshal (see Appendix, No. 4, M), indicates that there was a great increase in the arrests for drunkenness in the year which ended in February, 1894. The distance between this city and Lewiston is short, and so long as liquor is plentiful in the latter, the people of Auburn will experience no difficulty in getting a supply. There is a large French population in both of these cities. In Lewiston the cotton manufacture is carried on extensively, and Auburn produces large quantities of boots and shoes.

The publishers of the *Lewiston Journal*, a strong advocate of the prohibitory law, in 1892 sent out circulars to representative men in 300 Maine towns and cities, in which the following questions were submitted:—

"Do you know whether there are any secret grog shops in your town? If so, how many?

"Are there any open grog shops in your town, meaning thereby open bars, either on the street or in a rear room with a bar accessible and a lay out of decanters, bottles, and so on, as in old license days?

"Has drinking or drunkenness increased in your place in the past two years?

"Have you any active moral suasion movement, either reform club or other temperance society in your midst?

"If the law is not well enforced, is the fault official or public?

"Are the officers lax in spirit in spite of a healthy public opinion, or because of lax public sentiment.

"In your judgment has the number of rum shops, disguised as drug stores, decreased since the new law took effect?

"Will you be kind enough to make suggestions regarding the needs of prohibition and temperance in Maine at present?

"You will perceive that we want two things: 1st, well established facts regarding the liquor question in your locality; 2nd, your opinions."

In the paper of the 30th July, 1892, the replies received were published. They will be found in Appendix No. 111 of this report.

From Lewiston the Commissioners went to Biddeford, a city with a population of 15,000 inhabitants. Here also are extensive cotton mills. On the occasion of the Commissioners' visit the regularly elected Marshal of the city had been superseded by a marshal appointed by the Governor and Council of the State. Public feeling on the subject of the liquor traffic evidently runs high in this city. A perusal of the evidence taken will show that there is a comparatively free sale. The statistics of the police arrests are given in Appendix No. 118.

Under the internal revenue laws of the United States, every person dealing in liquors must take out a permit, or special tax paper. An abstract of the law is given at page 655. From the returns supplied by the Commissioner of Internal Revenue at Washington, already referred to, it is ascertained that the following certificates were issued to residents in the State of Maine for the years 1890 to 1893.

Statement showing the population of the State of Maine and number of persons who have paid special taxes as vendors and manufacturers of liquors from April 30, 1889, to June 30, 1893.

| Date. | Population. | Retail Liquor Dealers. | Wholesale Liquor Dealers. | Retail Dealers in Malt Liquors. | Wholesale Dealers in Malt Liquors. | Malt. | Number of Inhabitants to each Special Tax Payer. |
|---|---|---|---|---|---|---|---|
| Year ended April 30, 1890..... | 661,000 | 868 | 7 | 73 | 8 | 956 | 691 |
| *Year ended June 30, 1891..... | 662,000 | 1,193 | 8 | 126 | 11 | 1,336 | 495 |
| Year ended June 30, 1892..... | 663,000 | 808 | 7 | 214 | 5 | 1,034 | 642 |
| Year ended June 30, 1893..... | 664,000 | 866 | 10 | 207 | 4 | 1,087 | 610 |

* Fourteen months. Population is taken from the United States Census for 1890; other years estimated

These returns practically represent the number of persons who paid the special tax, with the intention, doubtless, of dealing in liquors in some way which they considered would render them liable to the penalties imposed by the law, if they did not hold certifiates.

The following table shows the number of cases entered in 1891 against persons selling in various states without having paid the special tax. It will be noticed that Maine has proportionately the largest number of any of the New England States.

| State, 1891. | Population. | Cases entered, 1891. |
|---|---|---|
| Maine..... | 662,000 | 67 |
| New Hampshire..... | 377,000 | 11 |
| Vermont..... | 332,000 | 8 |
| Massachusetts..... | 2,239,000 | 135 |
| New Jersey..... | 1,445,000 | 2 |
| Connecticut..... | 746,000 | 5 |
| Delaware..... | 168,000 | 1 |
| New York..... | 5,998,000 | 46 |
| Pennsylvania..... | 5,258,000 | 13 |
| Rhode Island..... | 346,000 | * |

* Internal Revenue Commissioner's Report, 1891.

A considerable number of these certificates are, no doubt, held by druggists, and it is singular that there should exist, in view of the fact that the law has been in force for so many years, any doubt as to the obligation of the dealers in drugs and dispensers of medicines of which alcohol may be a component part, to hold such certificates.

A member of the legal profession, Mr. L. T. Carleton, county attorney for Kennebec County, who gave evidence before the Commission at Winthrop on this point, expressed his opinion in the following terms:—

"We have two druggists. They have not taken out tax certificates, but they used to do so. A couple of years ago they stopped, and have not taken out certificates since. The officers of the United States revenue department go round and persuade people to take out the tax certificates. They say it is for their own protection, and the officers get their salaries and fees on the number of tax certificates taken out." (Q. 8449*b*.)

A gentleman who visited this continent in 1892, for the purpose of investigating the liquor legislation of the United States and Canada from an entirely non-partizan standpoint, and whose report* forms a very interesting volume on the subject, says in regard to the United States liquor tax:—

"I am quite unable to say why apothecaries in Maine (or in any other prohibitory state), if they are not permit holders, should pay the retail liquor tax, unless they intend to sell liquor in defiance of the state law."

## CRIME, PAUPERISM, &C.

There are no complete statistics of convictions for offences of all kinds in the State of Maine. In cities the arrests can be obtained, but the convictions can only be got from the records of the various courts throughout the state. The commitments to the jails are embodied in reports which are laid before the legislature and printed.

In Canada the criminal statistics are made up on the basis of convictions. Comparisons, therefore, become most difficult to make in any case, and in most instances impracticable, *i. e.*, impracticable on a scale which would cover the whole field of inquiry. Such statistics as exist cannot, however, be ignored, for they are constantly being appealed to, on the one hand, as evidence of the beneficent effects of the prohibitive system, and, hardly less frequently, on the other hand, as proving its failures, unfortunately, in many instances, without sufficient investigation on either side.

Appendices 112 to 124 show the arrests for offences of all kinds, the arrests for drunkenness, and the ratio of these arrests per 1,000 of the population in Bath, Bangor, Lewiston, Portland, Auburn, Augusta, Biddeford, Hallowell, Waterville, Westbrook, Rockland, Gardiner and Saco, for the dates mentioned therein. Efforts have been made, but unsuccessfully, to obtain like information from several other places.

It will be noticed that in the year 1892 there was a large decrease in the arrests reported in the city of Portland, attributed by those in favour of the prohibitive system to the fact that the sheriff was in full sympathy with the law and fearlessly executed it. The facts, as far as the Commissioners have been able to gather them, are, that the smaller number of arrests was due wholly to the action of the police, who were less zealous in locking up offenders. They also discharged many of those arrested without bringing them before the court. In his report for the year 1892, the city marshal remarked:—

"On my induction to office I was given to understand that it had not been the practice to put 'simple drunks,' first, or rare offences before the court, which I believe to be a good policy, and have adhered to."

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* "Liquor legislation in the United States and Canada," by E. L. Fanshawe, barrister-at-law, London.

The Hon. George F. Gould, judge of the Municipal Court, Portland, having had pointed out to him that the city marshal's report showed that there had been a great decrease in the number of arrests in 1892, stated :—

"That was Marshal Swett's year."

"Can you give us any explanation of the cause of the decrease? I do not know. I have thought that drunkenness had decreased here a little, or that it had kept about the same right through. I did not think the total number of arrests decreased quite as much as that."

"It has dropped 50 per cent? Well, I would not pay much attention to last year's return, because men staggered right up in front of officers and dared them to arrest them.

"When was that? From March, 1892, to March, 1893.

"Did the same condition of things exist in 1891? It did not to such an extent. The police department, however, had dropped in efficiency during those six or seven years." (Q. 4903*b*–4907*b*).

A statement (Appendix No. 125), shows the number of persons convicted of the offence of intoxication and of being common drunkards, in the city of Portland, for the years 1888 to 1892, inclusive. It will be noticed that the convictions for the year 1892 were just about one-half of those for 1891, and less than one-half of those for 1890. A new marshal took office in the beginning of 1893, and he decided that it was not his duty to constitute himself a judge, but to apprehend and bring before the court all those offending against the law. The arrests at once largely increased as will be seen on referring to the statement (Appendix No. 115). They were as under:—

| Year. | Total arrests. | Arrests for drunkenness. |
|---|---|---|
| 1888 | 2,169 | 1,368 |
| 1889 | 1,947 | 1,230 |
| 1890 | 1,822 | 1,211 |
| 1891 | 1,500 | 917 |
| 1892 | 1,313 | 874 |
| 1893 | 2,110 | 1,464 |

The same gentleman held the office of sheriff in 1892 and 1893, Sheriff Cram having been re-elected in 1893. On both occasions on which he was a candidate, he was the nominee of his party (Republican), and it perhaps, to a certain extent indicates the feelings of the electors in regard to the enforcement of the law (for it is on all hands admitted that Sheriff Cram executes the law), that on the first occasion he was elected by a majority of 2,335 votes, and on the last by 55 only.

In Bangor the ratio of arrests for drunkenness is very high. It is the head quarters of the lumbering industry of the state. Large numbers of men gather in that city and proceed to the woods to carry on lumber operations during the winter. They return in the spring, and this class, with the sailors who frequent the port, are alleged to add a large quota to the arrests for drunkenness.

Similar statements of arrests in some of the Canadian cities have been compiled, and are given in Appendices, Nos. 21 to 47.

Every reasonable effort has been made to ascertain the practice pursued in regard to the making of arrests, and the basis on which the statistics are prepared. These differ in some instances; but in the larger cities the methods do not apparently vary materially. In Lewiston the recorded arrests are evidently below the actual arrests, and this may probably also be said of the arrests in Auburn.

In Halifax, Nova Scotia, the figures returned appear to more nearly represent the convictions for drunkenness than the arrests.

The statistics of arrests in the various cities of the State of Maine, already referred to, compare with the arrests in the cities of the Dominion as follows:

STATEMENT showing Ratio per 1,000 population of Arrests for All Offences and Arrests for Drunkenness in the undermentioned cities of the State of Maine and the Dominion of Canada.

STATE OF MAINE.

| Cities. | 1880. | | | 1885. | | | 1890. | | | 1891. | | | 1892. | | | 1893. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Population. | Ratio per M. | | Population. | Ratio per M. | | Population. | Ratio per M. | | Population. | Ratio per M. | | Population. | Ratio per M. | | Population. | Ratio per M. | |
| | | All Offences | Drunkenness. | | All Offences | Drunkenness. | | All Offences | Drunkenness. | | All Offences | Drunkenness. | | All Offences | Drunkenness. | | All Offences | Drunkenness. |
| | M. | | | M. | | | M. | | | M. | | | M. | | | M. | | |
| Portland | 34 | 65·45 | 43·44 | 35 | 58·20 | 31·07 | 36 | 52·76 | 33·24 | 37 | 40·84 | 24·96 | 37 | 35·43 | 23·58 | 37 | 56·42 | 39·14 |
| Lewiston | .... | .... | .... | .... | .... | .... | .... | .... | .... | 22 | 19·04 | 14·18 | 22 | 18·03 | 11 89 | .... | .... | .... |
| Bangor | 17 | 30·84 | 15·54 | 18 | 66·02 | 41·86 | 19 | 85·06 | 49·46 | 20 | 86·72 | 53·59 | 20 | 74·17 | 48·50 | .... | .... | .... |
| Biddeford | .... | .... | .... | .... | .... | .... | 14 | 20·78 | 15·16 | 15 | 30·57 | 17·08 | 15 | 35·32 | 22·74 | .... | .... | .... |
| Auburn | .... | .... | .... | 10 | 8·58 | 4·38 | 11 | 14·13 | 8·71 | 12 | 15·23 | 9·69 | 12 | 15·31 | 10·96 | 12 | 16·69 | 12·17 |
| Angusta | .... | .... | .... | 9 | 39·49 | 22·82 | 11 | 53·86 | 34·57 | 11 | 27·96 | 18·02 | 11 | 20·81 | 10·27 | 11 | 27·18 | 14·36 |
| Bath | .... | .... | .... | .... | .... | .... | 9 | 38.51 | 28·20 | 9 | 44·51 | 22·48 | 9 | 31·84 | 21·60 | .... | .... | .... |
| Rockland | .... | .... | .... | 9 | 23·59 | 12·82 | 8 | 36·09 | 27·03 | 8 | 35·90 | 23·51 | 8 | 46·50 | 35·35 | .... | .... | .... |
| Waterville | .... | .... | .... | .... | .... | .... | .... | .... | .... | 7 | 18·23 | ..... | 8 | 10·66 | 6·98 | 8 | 18·37 | 12·76 |
| Westbrooke | .... | .... | .... | 5 | 6·80 | 0·80 | 7 | 7·68 | 2·86 | 7 | 5·61 | 0·86 | 7 | 2·55 | 0·80 | .... | .... | .... |
| Saco | .... | .... | .... | 6 | 11·28 | 5·88 | 6 | 20·57 | 12·51 | 6 | 16·16 | 6·66 | 6 | 19·57 | 9·62 | .... | .... | .... |
| Gardiner | .... | .... | .... | .... | .... | .... | 5 | 91·96 | 71·02 | 6 | 76·74 | 58·50 | 6 | 58·11 | 46·07 | 6 | 45.33 | 35·66 |
| Hallowell | .... | .... | .... | .... | .... | .... | 3 | 17·91 | 9·43 | 3 | 23·54 | 12·24 | 3 | 19·74 | 7·52 | 3 | 16·25 | 10·31 |

| Cities and Towns. | 1880 | | | 1885. | | | 1890. | | | 1891. | | | 1892. | | | 1893. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Population. | Ratio per M. | | Population. | Patio per M. | | Population. | Ratio per M. | | Population. | Ratio per M. | | Population. | Ratio per M. | | Population. | Ratio per M. | |
| | | All offences. | Drunk-enness. | | All offences. | Drunk-enness. | | All offences. | Drunk-enness. | | All offences. | Drunk-enness. | | All offences. | Drunk-enness. | | All offences. | Drunk-enness. |
| | M. | | | M. | | | M. | | | M. | | | M. | | | M. | | |
| Montreal | 149 | 43·02 | 19·24 | 180 | 32·41 | 9·55 | 210 | 43·64 | 14·20 | 217 | 39·21 | 12·93 | 225 | 32·17 | 11·36 | 235 | 29·20 | 10 38 |
| Toronto | 87 | 68·50 | 33·13 | 134 | 51·94 | 28·86 | 181 | 61·84 | 28·74 | 181 | 54·60 | 20·76 | 190 | 47·19 | 19·19 | 200 | 46·98 | 18·22 |
| Quebec | 62 | 25·01 | 12·28 | 63 | 17·84 | 11·40 | 63 | 17·03 | 10·90 | 63 | 14·12 | 7·73 | 64 | 12·90 | 7·68 | 64 | 11 46 | 6·75 |
| Hamilton | 35 | 72·11 | 16·62 | 41 | 70·54 | 14·79 | 47 | 54·32 | 17·59 | 49 | 42·37 | 8·73 | 50 | 38·05 | 7·13 | 52 | 36·73 | 6·83 |
| Ottawa | 30 | 32·17 | 14·17 | 36 | 25·96 | 11·80 | 42 | 23·80 | 12·71 | 44 | 18·86 | 9·17 | 46 | 16·38 | 8·03 | 48 | 12·10 | 5·45 |
| St. John, N.B | 26 | 40·19 | 23·13 | 25 | 41·20 | 23·64 | 39 | 44·03 | 26·57 | 39 | 42·82 | 26·28 | 39 | 40·62 | 23·32 | 39 | 39·48 | 24·15 |
| Halifax | .... | ..... | ..... | 37 | 41·10 | 15·75 | 39 | 35·41 | 15·41 | 39 | 32·64 | 14·28 | 39 | 35·24 | 19·48 | 39 | 39·36 | 19·42 |
| London | .... | ..... | ..... | .... | ..... | ..... | 32 | 52·67 | 33·78 | 32 | 38·21 | 20·98 | 32 | 42·56 | 21·80 | 33 | 40·48 | 21·68 |
| Winnipeg | .... | ..... | ..... | .... | ..... | ..... | 24 | 33·37 | 22·42 | 26 | 31 00 | 19·69 | 28 | 34·06 | 22·98 | 30 | 32·15 | 19·66 |
| Kingston | .... | ..... | ..... | .... | ..... | ..... | 19 | 31·77 | 21·91 | 19 | 26·31 | 18·27 | 20 | 21·68 | 13·73 | 21 | 21·88 | 15·69 |
| Brantford | .... | ..... | ..... | .... | ..... | ..... | 13 | 69·86 | 15·98 | 13 | 58·73 | 13·01 | 13 | 62·62 | 17·11 | 13 | 68·59 | 16·26 |
| Charlottetown, P.E.I | 11 | 41·77 | 22·45 | 11 | 51·26 | 24·84 | 11 | 25·00 | 21·75 | 11 | 33·93 | 28·31 | 11 | 21·93 | 20·70 | 11 | 25·87 | 17·48 |
| Hull | .... | ..... | ..... | .... | ..... | ..... | 11 | 16·07 | 6·16 | 11 | 11·36 | 4·70 | 12 | 10·97 | 3·37 | 12 | 17·84 | 6·88 |
| Guelph | .... | ..... | ..... | 10 | 26·78 | 12·50 | 10 | 10·44 | 7·37 | 11 | 12·43 | 6·16 | 11 | 15·21 | 6·95 | 11 | 13·85 | 9·57 |
| St. Thomas | .... | ..... | ..... | .... | ..... | ..... | 10 | 34·35 | 6·93 | 10 | 20·92 | 5·49 | 11 | 24·24 | 3·01 | 11 | 25·46 | 6·11 |
| Sherbrooke | .... | ..... | ..... | .... | ..... | ..... | 10 | 31·64 | 18·64 | 10 | 26·80 | 16·32 | 10 | 28·90 | 16·50 | 10 | 26·60 | 20·30 |
| Belleville | .... | ..... | ..... | .... | ..... | ..... | 10 | 64·51 | 24·91 | 10 | 58·20 | 18·45 | 10 | 51·43 | 12·95 | 10 | 50·70 | 11·80 |
| Peterboro' | .... | ..... | ..... | .... | ..... | ..... | 9 | 41·06 | 15 80 | 10 | 42·70 | 10·90 | 10 | 38·10 | 8·20 | 10 | 36·89 | 9·32 |
| St. Catherines | .... | ..... | ..... | .... | ..... | ..... | 9 | 30·67 | 15·60 | 9 | 22·57 | 10·14 | 9 | 26·20 | 12·06 | 9 | 35·08 | 9·70 |
| Brockville | .... | ..... | ..... | .... | ..... | ..... | 9 | 26·06 | 16·03 | 9 | 21·15 | 14·10 | 9 | 24·32 | 14·34 | 9 | 30·98 | 18·02 |
| Moncton | .... | ..... | ..... | 7 | 52·19 | 34·18 | 8 | 32·75 | 21·67 | 9 | 30·00 | 19·85 | 9 | 13·45 | 8·96 | .... | ..... | ..... |
| Woodstock | .... | ..... | ..... | 7 | 71·71 | 3·60 | 8 | 30·19 | 10·86 | 9 | 23·22 | 4·18 | 9 | 22 30 | 4 25 | 9 | 21·56 | 4·52 |
| Owen Sound | .... | ..... | ..... | .... | ..... | ..... | 7 | 48·40 | 10·43 | 7 | 38·01 | 8·02 | 8 | 42·29 | 6·66 | 8 | 34·03 | 5·17 |
| Berlin | .... | ..... | ..... | .... | ..... | ..... | 7 | 2·53 | 0·29 | 7 | 1·21 | ..... | 8 | 0·77 | ..... | 8 | 1·62 | 0·12 |
| Point Lévis | .... | ..... | ..... | .... | ..... | ..... | 7 | 18·14 | 12·55 | 7 | 14·51 | 10·40 | 7 | 17·03 | 11·26 | 7 | 11·29 | 7·57 |
| Fredericton* | .... | ..... | ..... | 6 | 58·34 | 24·80 | 6 | 37·95 | 14·40 | 7 | 39·21 | 12·76 | 7 | 38·32 | 16·48 | 7 | 46·29 | 21·18 |

*Scott Act in force.

In the report of the Canadian Commissioners who visited certain places in the United States in the year 1874, and which report was printed and laid before parliament in 1875, certain information was given in regard to the arrests for drunkenness in the cities of Portland, Bangor, Augusta, Rockland and Lewiston. (P. 27).

The Commissioners stated that:—

"The cities are here placed according to the activity used in each in enforcing the law, Portland displaying the least, and it will be seen * * * that whilst Portland has double the population of Lewiston, she has nearly ten times the amount of drunkenness, and nearly seven times the number of arrests."

In the following table is shown the number of arrests for drunkenness in the cities referred to (placed in the same order), reported at that time, and the number for later periods in regard to which this Commission has been able to obtain information.

PORTLAND.

| | | | | |
|---|---|---|---|---|
| Arrest for | ten years | ended | 1873..... | 1 to 24 of the population. |
| do | do | | 1893..... | 1 to 29 do |
| do | the year | ended | 1893..... | 1 to 18 do |

BANGOR.

| | | | | |
|---|---|---|---|---|
| Arrests for | eight years | ended | 1874..... | 1 to 49 do |
| do | do | | 1892..... | 1 to 20 do |
| do | the year | ended | 1892..... | 1 to 20 do |

AUGUSTA.

| | | | | |
|---|---|---|---|---|
| Arrests for | five years | ended | 1874..... | 1 to 60 do |
| do | do | | 1892..... | 1 to 41 do |

ROCKLAND.

| | | | | |
|---|---|---|---|---|
| Arrests for | ten years | ended | 1873..... | 1 to 83 do |
| do | do | | 1892..... | 1 to 53 do |
| do | the year | ended | 1892..... | 1 to 28 do |

LEWISTON.

| | | | | | |
|---|---|---|---|---|---|
| Arrest for | nine years | ended | 1874..... | 1 to 237 | do |
| * do | two | do | 1892..... | 1 to 77 | do |
| do | the | do | 1892..... | 1 to 84 | do |

The population in the rural districts of the state is probably smaller to-day than it was ten years ago, such increases as have taken place, having been in the towns and cities. This condition has doubtless increased the difficulty of giving effect to the prohibitory law in cities, whilst in the rural districts it has contributed to its better enforcement.

The methods adopted in compiling criminal statistics in the states of the United States differ in most cases so materially from the methods adopted in Canada as to make it impracticable to institute perfectly satisfactory comparisons. The Commissioners have not been able, as has been mentioned, to obtain complete statistics of convictions for offences covering the whole of the State of Maine, and they have not, therefore, been able to compare the whole volume of crime in the state with that of the Dominion.

* Arrests for two years only have been obtained.

The following table shows the commitments to jail in the State of Maine for each of the years during the quintennial period ended November 30th, 1892:—

STATE OF MAINE.

| Year. | Population. | Total commitments. | Per 1000. | Commitments for drunkenness | Per 1000. |
|---|---|---|---|---|---|
| 1888 | 658,500 | 3,398 | 5.17 | 1,383 | 2.10 |
| 1889 | 660,000 | 3,957 | 6.00 | 1,345 | 2.04 |
| 1890 | 661,000 | 3,780 | 5.73 | 2,300 | 3.48 |
| 1891 | 662,000 | 3,655 | 5.53 | 1,624 | 2.46 |
| 1892 | 663,000 | 3,723 | 5.62 | 1,714 | 2 58 |
| Average | 660,900 | 3,703 | 5.60 | 1,673 | 2.53 |

The population is taken from the United States census in 1890, other years being estimated.

This statement, it must be borne in mind, represents the commitments to prison.

The following table has been compiled from the criminal statistics of Canada, showing the convictions for offences of all kinds and for drunkenness in the three Maritime Provinces of the Dominion for each of the years during the quintennial period ending September 30th, 1892:—

NOVA SCOTIA, NEW BRUNSWICK AND PRINCE EDWARD ISLAND.

| Year. | Population. | Total convictions. | Per 1000. | Convictions for drunkenness. | Per 1000. |
|---|---|---|---|---|---|
| 1888 | 878,000 | 3,744 | 4·26 | 1,929 | 2·19 |
| 1889 | 879,000 | 4,154 | 4·72 | 2,370 | 2·69 |
| 1890 | 880,000 | 4,553 | 5·17 | 2,490 | 2·83 |
| 1891 | 881,000 | 4,573 | 5·19 | 2,574 | 2·89 |
| 1892 | 882,000 | 4,462 | 5·05 | 2,268 | 2·57 |
| Average | 880,000 | 4,297 | 4·88 | 2,326 | 2·64 |

If the year 1892 is taken separately, the comparison is as follows:—

| | All offences. | For drunkenness. |
|---|---|---|
| Committals—Maine | 5·62 | 2·58 |
| Convictions—Lower Proviuces | 5·05 | 2·57 |

The basis of comparison here is, as regards drunkenness, favourable to Maine, as in the provinces convictions, including cases where fines are imposed, are taken, whereas in Maine the commitments to the jails only are given. The Commissioners regret that they have not been able to obtain full classified statistics of the commitments to the jails of the Maritime Provinces. The position of the three provinces resembles that of Maine. They are contiguous, and all border on the Atlantic;

their populations are largely engaged in similar occupations, and there has not been any great increase in the numbers thereof for the last decade. If, in the case of drunkenness, the number who were fined, paid fines and were discharged, could be eliminated from the total convictions in the provinces, the ratio of the remainder to the population would be much smaller than that of the commitments in the State of Maine.

Assuming that the terms "tramps" and "vagrants" are synonymous, Maine has a larger number of this class committed to jail than the provinces show convicted.

In the province of Ontario statistics of the commitments to the common jails of the province have been kept in an admirable manner, and the results have been embodied in annual reports presented to the Legislature.

The following table shows the commitments to all the jails of the province for all offences, and the commitments for drunkenness, with the ratio per thousand of the population, during the five years ended September 30th, 1892:—

PROVINCE OF ONTARIO.

| Year. | Population. | Total Commitments. | Per 1000. | Commitments for drunkenness. | Per 1000. |
|---|---|---|---|---|---|
| 1888 | 2,056,000 | 12,454 | 6.05 | 4,451 | 2.16 |
| 1889 | 2,074,000 | 12,531 | 6.03 | 4,777 | 2.31 |
| 1890 | 2,094,000 | 11,810 | 5.63 | 4,573 | 2.18 |
| 1891 | 2,114,000 | 10,423 | 4.92 | 3,614 | 1.70 |
| 1892 | 2,134,000 | 9,011 | 4.22 | 2,736 | 1.28 |
| Total | 10,473,000 | 56,229 | 26.85 | 20,151 | 9.63 |
| Average | 2,094,000 | 11,246 | 5.37 | 4,030 | 1.92 |

The ratio of all commitments to the jails of Ontario, with its large business centres and constantly increasing population, is, it will be observed, less than the ratio in the State of Maine, and the commitments for drunkenness much below those of that state. Properly classified statistics of the commitments to jails of the other provinces of the Dominion are not available.

As nearly as can be ascertained, about 69 per cent of those convicted for drunkness in Ontario are sent to jail. There are no statistics showing what the proportion is in the whole State of Maine, but taking the return of the Municipal Court of Portland as a fair index, the commitments to jail do not amount to as high a percentage of the total convictions for drunkenness as they are in Ontario.

It is not claimed that these are exact statistics; in fact, exact statistics are not obtainable, but they indicate very clearly that the vice of drunkenness has not been eradicated by the operation of the prohibitory law in the State of Maine, and that the results obtained in that direction, after a lengthened experience under very favorable conditions, are not more satisfactory than they are under the license system prevailing in the Dominion.

The following figures show the number of prisoners in the common jails, the number of prisoners in the penitentiaries, (in Maine, the state prison), the number of inmates in reformatories, and the number of lunatics in the asylums of the State of Maine and in the provinces of the Dominion mentioned:—

STATMENT showing number of prisoners in common jails at the end of the following years, with ratio per 1,000 of the population.

| YEAR. | QUEBEC. | | ONTARIO. | | NEW BRUNSWICK. | | NOVA SCOTIA. | | P. E. ISLAND. | | MANITOBA. | | N. W. TERRITORIES. | | B. COLUMBIA. | | STATE OF MAINE. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | In jail. | Ratio. | In jail. | Ratio. | In jail. | Ratio. | In jail. | Ratio. | In jail. | Ratio. | In jail. | Ratio. | In jail. | Ratio. | In jail. | Ratio. | In jail. | Ratio. |
| 1881 | *505 | 0·36 | 770 | 0·39 | 73 | 0·23 | 76 | 0·17 | 27 | 0·24 | 12 | 0·19 | ..... | ..... | 65 | 1·31 | 250 | 0·38 |
| 1891 | 567 | 0·38 | 895 | 0·42 | 64 | 0·19 | 89 | 0·19 | 24 | 0·22 | 35 | 0·22 | 47 | 0·47 | 138 | 1·40 | 378 | 0·57 |
| 1892 | 451 | 0·30 | 810 | 0·37 | 72 | 0·22 | 63 | 0·13 | 24 | 0·21 | 52 | 0·31 | 59 | 0·57 | 144 | 1·36 | 400 | 0·60 |
| 1893 | 451 | 0·30 | 814 | 0·37 | 51 | 0·15 | 67 | 0·14 | ..... | ..... | 64 | 0·36 | 80 | 0·74 | ..... | ..... | 572 | 0·86 |

* For 1883. In Quebec the figures for 1881 not available. In Quebec the jail year ends 31st December; in Ontario, 30th September. In Maine the jail year ends 30th November; in Nova Scotia, 31st December; in New Brunswick, 31st December; in Manitoba, 31st December; in British Columbia, 31st December.

The returns from New Brunswick and Nova Scotia are imperfect. The figures have had to be obtained from the county officials, the Provincial Governments apparently keeping no accounts.

PRISONERS IN PENITENTIARIES.

| Year. | In the Dominion. | | In Maine (State Reports). | |
|---|---|---|---|---|
| | Prisoners. | Ratio. | Prisoners. | Ratio. |
| 1881 | 1,218 | 0·281 | 184 | 0·283 |
| 1891 | 1,249 | 0·258 | 168 | 0·254 |
| 1892 | 1,228 | 0·251 | 135 | 0·204 |

The United States Census returns give the convicts in penitentiaries in Maine 30th June, 1880, 0·328 per 1,000; 30th June, 1890, 0·157.

In the Dominion the year ends June 30th; in Maine the year ends November 30th.

POPULATION IN INSANE ASYLUMS.

| — | Ontario. Sept. 30. | | Quebec. Dec. 31. | | New Brunswick. Dec. 31. | | Nova Scotia.* Dec. 31. | |
|---|---|---|---|---|---|---|---|---|
| Year. | No. | Ratio. | No. | Ratio. | No. | Ratio. | No. | Ratio. |
| 1881 | 2416 | 1·253 | 1758 | 1·293 | 325 | 1·012 | 382 | 0·866 |
| 1891 | 3468 | 1·641 | 2532 | 1·701 | 466 | 1·451 | 354 | 0·785 |
| 1892 | 3587 | 1·680 | 2530 | 1·684 | 451 | 1·400 | 363 | 0·804 |

| — | P. E. Island. Dec. 31. | | Manitoba. Dec. 31. | | N. W. Territor's Dec. 31. | | B. Columbia. Dec. 31. | |
|---|---|---|---|---|---|---|---|---|
| Year. | No. | Ratio. | No. | Ratio. | No. | Ratio. | No. | Ratio. |
| 1881 | 97 | 0·890 | ..... | ..... | ..... | ..... | 48 | 0·970 |
| 1891 | 137 | 1·256 | 135 | 0·882 | 41 | 0·414 | 123 | 1·251 |
| 1892 | 137 | 1·256 | 176 | 1·035 | 48 | 0·475 | 135 | 1·280 |

*In Nova Scotia there appears to be an increasing number of harmless insane cared for in the county and city institutions. The figures here given are taken from the reports of the Provincial Hospital for the Insane.

In the report for 1889, it is stated: "During the past year, Cape Breton and Inverness counties have made provision for their chronic insane, and, according to chap. 44 of Acts of 1886, they have removed 23 men and 16 women."

It has not been found practicable to separate the insane from other inmates in these last-mentioned institutions, which partake of the character of almshouses.

MARITIME PROVINCES COMBINED.

| Year. | No. | Ratio. |
|---|---|---|
| 1881 | 804 | 0·923 |
| 1891 | 957 | 1·086 |
| 1892 | 951 | 1·078 |

STATE OF MAINE (Nov. 30).

| Year. | No. | Ratio. |
|---|---|---|
| 1881 | 450 | 0·693 |
| 1891 | 673 | 1·016 |
| 1892 | 685 | 1·033 |

INMATES OF REFORMATORIES.

| — | Ontario. | | Quebec. | | In Maine. | | | |
|---|---|---|---|---|---|---|---|---|
| Year. | No. | Ratio per M. | No. | Ratio per M. | Year. | No. | Ratio per M. | |
| 1881 | 377 | 0·195 | 415 | 0·305 | 1880 | 116 | 0·179 | U. S. Census. |
| 1891 | 306 | 0·145 | 631 | 0·423 | 1890 | 169 | 0·255 | do |
| 1892 | 278 | 0·130 | 569 | 0·378 | 1892 | 162 | 0·244 | State Report. |

In the province of Quebec, juvenile offenders are sent to reform schools, which are under the charge of one or other of the religious institutions, the Government of the province paying a certain sum *per capita* for their maintenance. The Inspector of Reformatories for the province, in response to inquiries as to the causes leading to Quebec showing such a much larger number of inmates in reformatories than Ontario, stated that the latter has fewer establishments of the kind than Quebec, and that it is probable that the juvenile offenders are sent in a larger proportion to other institutions.

In the State of Maine capital punishment was abolished some years ago, there are many prisoners in the state prison who have been convicted of the crime of murder.

The relationship which intemperance bears to lunacy is a matter about which specialists differ widely. Opinions on the subject must be considered as almost wholly speculative.

There has been in Canada a large increase in the number of inmates in the insane asylum. This is probably owing, in some degree, to the improved methods of treatment adopted, to the increased accommodation provided, and the extra care and attention bestowed in these institutions upon those so afflicted, creating an increasing confidence on the part of the public in their management. The practice of communities undoubtedly differs, and a mere comparison of the number of the inmates in asylums is not a safe guide to the prevalence, or the reverse, of insanity in different countries or states. The harmless insane are cared for privately in some

communities to a larger extent than in others, and in such cases, of course, they do not add to the population of the asylums.

Mr. George Johnson, Government Statistician, in bulletin No. 16, 1893, of the Census of Canada, draws attention to the increase of the insane. He shows that the increase in the number of insane in Ontario, Quebec, Nova Scotia and New Brunswick, was at the rate of 34.4 per cent between 1871 and 1891, whilst during the same period the population increased only 25.5 per cent. From these figures it appears that during twenty years insanity in Canada increased more rapidly, proportionately, than its population. In 1891 there were 2,900 insane in every million, and in 1871 there were 2,703 in every million of the population of the four original provinces of the Dominion. These figures refer to the total insane in the four provinces, including those in asylums, as well as those cared for elsewhere.

The Commissioners have been unable to obtain statistics of the total insane in the United States, or even in a single state. From a statement showing the number of inmates in the Maine Insane Hospital (Appendix, No. 126), it appears that the number has steadily increased; and the trustees, in their report for 1892, intimate that the present accommodation for patients is exhausted. No doubt a large number of harmless lunatics are cared for in private families, and the number of inmates in the state hospital cannot be accepted as representing the total number of the insane in the state.

The poor are cared for in Canada mainly by the various charitable societies and in the religious houses of the Roman Catholic community. It has not been found practicable to compare pauperism in the State of Maine with pauperism in Canada. The following figures, taken from the United States census returns, show, however, the position which Maine occupies in this respect in the group of the North Atlantic division of states:—

RETURN of Paupers in almshouses in the undermentioned states for the years 1890. and 1880, with population of states and the ratio of per thousand of the population.

| State. | 1890. | | | 1880. | | |
|---|---|---|---|---|---|---|
| | Population. | Paupers. | Ratio per 1,000 of Population. | Population. | Paupers. | Ratio per 1,000 of Population, |
| Maine | 661,086 | 1,161 | 1·75 | 648,936 | 1,505 | 2·31 |
| New Hampshire | 376,530 | 1,143 | 3·03 | 346,991 | 1,198 | 3·35 |
| Vermont | 332,422 | 543 | 1·63 | 332,286 | 655 | 1·97 |
| Massachusetts | 2,238,943 | 4,725 | 2·11 | 1,783,085 | 4,533 | 2·54 |
| Rhode Island | 345,506 | 490 | 1·41 | 276,531 | 526 | 1·90 |
| Connecticut | 746,258 | 1,438 | 1·92 | 622,700 | 1,418 | 2·27 |
| New York | 5,997,853 | 10,272 | 1·71 | 5,082,871 | 12,452 | 2·45 |
| New Jersey | 1,444,933 | 2,718 | 1·88 | 1,131,116 | 2,462 | 2·17 |
| Pennsylvania | 5,258,014 | 8,653 | 1·64 | 4,282,891 | 9,184 | 2·14 |
| Total | 17,401,545 | 31,143 | Aver. 1·78 | 14,507,407 | 33,933 | Aver. 2·34 |

A large number of divorces are applied for and granted in the State of Maine According to statistics collected under the supervision of Hon. Carrol Wright, and issued from the Labour Bureau at Washington, there were, between the years 1867 and 1886, 8,412 divorces granted in the state, and of these 117 were granted on the direct ground of intemperance.

The following figures show the number of cases in which intemperance formed one of the charges preferred:—

| | |
|---|---|
| Adultery, cruelty and habitual intoxication | 2 |
| do and habitual intoxication | 10 |
| do habitual intoxication and neglect to provide | 1 |
| Convictions for felony and habitual intoxication | 2 |
| Cruel and abusive treatment and habitual intoxication | 134 |
| do do habitual intoxication and neglect to provide | 13 |
| Cruelty and habitual intoxication | 311 |
| do do and neglect to provide | 21 |
| Desertion and habitual intoxication | 28 |
| do habitual intoxication and neglect to provide | 5 |
| do do and refusal to cohabit | 1 |
| Habitual intoxication | 117 |
| do and neglect to provide | 315 |
| Total | 960 |

There are no general statistics of a later date published, but a return prepared by the clerk of the court supplies the following information in regard to divorces decreed by the Supreme Court of Maine, in the county of Penobscot, from 1881 to 1893:—

| | | |
|---|---|---|
| 1881 | 79 | 15 |
| 1882 | 65 | 9 |
| 1883 | 57 | 11 |
| 1884 | 31 | 3 |
| 1885 | 53 | 5 |
| 1886 | 58 | 10 |
| 1887 | 73 | 15 |
| 1888 | 69 | 8 |
| 1889 | 82 | 18 |
| 1890 | 59 | 9 |
| 1891 | 69 | 15 |
| 1892 | 48 | 8 |
| 1893 | 41 | 9 |
| Total | 783 | 135 |

For gross and confirmed habits of intoxication, or for intoxication, one in six, (1 in 6).

Mr. Benjamin C. Stone, Clerk of the Supreme Judicial Court, Portland, stated, in reply to a question as to divorces granted in the court, that in 1891, at the three terms of the court, there were 68 divorces; in 1892, 48 divorces, and in the two first terms of the court in 1893, 36 divorces, granted; that out of the 68 divorces granted in 1891, 17 were on account of gross and confirmed habits of intoxication; of the 48 divorces granted in 1892, 12 were for gross and confirmed habits of drunkenness, and of those granted at the first two terms of the court, in 1893, 2 were for gross and confirmed habits of intoxication. He further stated that the population of the district was in 1890, 91,000.

In the evidence of the Hon. C. W. Jones, Chairman of the Board of Inspectors of State Prisons, page 564, Vol. V, statistics of the number of certain classes of criminals in the prisons of the State in the year 1886 are given. Mr. Jones was kind enough to promise to supply the comparative figures for the year 1851. (Q. 6810*b*). In a letter dated 4th November, 1893, that gentleman wrote,—"I find by

the records that there were in prison on the 30th April 1851, and on November 30th, 1886, convicts committed for the crimes mentioned as follows :—

| | 1851. | 1886. |
|---|---|---|
| Murder | 4 | 30 |
| Manslaughter | 1 | 5 |
| Arson | 4 | 4 |
| Robbery | 0 | 1 |
| Piracy | 0 | 2 |
| Other high crimes | 5 | 13 |
| | 14 | 55 |

"The repeal of the death penalty in 1878 and former repeals which had been in force a part of the time prior to that date, accounts in part for the large number of murderers in custody in 1886. The number of convicts in prison in 1851 was about half the number in 1886, while the population was not enough smaller in 1851 than in 1886 to make a great difference in the percentages."

Leaving out the murderers in each period, the number would be,—1851, 10, 1886, 25.

In the census returns of the United States, the number of those charged with homicide remaining in the prisons of the State of Maine, were, in 1880, 29, in 1890, 42. The increase was 42·22 per cent; the increase in population was 1·87 per cent. In the same returns the population of the State Penitentiary was given as being in 1880, 213, in 1890, 170, a decrease of 20·18 per cent.

## THE SAVINGS OF THE PEOPLE.

The amount deposited in the savings banks are frequently referred to in connection with the liquor legislation of this State as evidence of its beneficial effects. It is evident that the occupations of the people must largely influence the amount of their savings, and it therefore becomes difficult to make comparisons which are of much value.

The savings banks throughout the New England States are simply associations. They are managed by trustees for the benefit of the depositors. There is no shareholders' capital, as is the case in Canada, where, outside of the Government Savings Banks, such institutions are simply joint stock companies allowing to depositors a fixed rate of interest, and reserving the profits made beyond that rate for the payment of dividends to their shareholders. A comparison between the depositors and deposits in such institutions and those in the State of Maine, therefore, would be misleading, even were it otherwise of any value.

The following figures showing the number of depositors, the total amount of deposits, the average to the credit of each depositor, and the population of sundry States of the Union are taken from a paper prepared by Mr. George Johnson from the returns of the Comptroller of the United States Treasury.

STATEMENT showing number of depositors in savings banks, the amount and average of each deposit, and the proportion of depositors to population in the following states:—

1891-92.

| State. | Population, 1890. | Number of Depositors. | Proportion to Population. | Amount of Deposits. | Average to each Depositor. |
|---|---|---|---|---|---|
| | | | | $ | $ cts. |
| Maine | 661,086 | 146,668 | 22·18 | 50,278,452 | 342 80 |
| New Hampshire | 376,530 | 169,949 | 45·13 | 72,439,660 | 426 24 |
| Vermont | 332,422 | 80,740 | 24·28 | 24,674,742 | 305 60 |
| Massachusetts | 2,238,943 | 1,131,203 | 50·52 | 369,526,386 | 326 67 |
| Rhode Island | 345,506 | 136,648 | 39·55 | 66,276,157 | 485 01 |
| Connecticut | 746,258 | 317,925 | 42·60 | 122,582,160 | 385 57 |
| New York | 5,997,953 | 1,516,289 | 25·28 | 588,425,421 | 388 07 |
| New Jersey | 1,444,933 | 131,739 | 9·11 | 33,807,634 | 256 62 |
| Pennsylvania | 5,258,014 | 248,471 | 4·72 | 65,233,993 | 262 54 |
| Delaware | 168,493 | 17,318 | 10·27 | 3,626,319 | 209 39 |
| Maryland | 1,042,390 | 142,135 | 13·63 | 41,977,868 | 295 34 |
| Ohio | 3,672,316 | 84,779 | 2·30 | 33,895,078 | 399 80 |
| Indiana | 2,192,404 | 15,418 | 0·70 | 3,754,622 | 243 52 |
| Michigan | 2,093,889 | 180,391 | 8·61 | 36,959,573 | 204 88 |
| Iowa | 1,911,896 | 71,687 | 3·74 | 26,115,384 | 364 29 |
| Minnesota | 1,301,826 | 35,123 | 2·69 | 8,786,879 | 250 17 |
| California | 1,208,130 | 167,667 | 13·87 | 127,312,088 | 759 39 |

The Maine savings banks accept deposits up to $2,000, from any one depositor, and to a larger extent from widows and orphans and in the case of certain trust funds.

### WHAT PROHIBITION IN MAINE IMPLIES.

A very general misapprehension exists as to what prohibition in Maine really implies. This is due no doubt due to some extent to the very general terms which the advocates of the system have used when urging its claims to public support. The popular conception outside the state is, that the law prohibits and makes illegal the use of intoxicants as a beverage. The fact is, the law simply aims at preventing trading in any form in the manufacture and sale of intoxicants within the state; but every citizen of Maine has the right to purchase outside and bring into the state whatever he may desire in the shape of intoxicants for his personal use or the use of his family.

On this question of importation for personal use, the following statements were made by General Neal Dow:—

"You are credited with being the father of the Maine law, and you have no doubt, considered it more than any other person in your state who has made it a study. Do you find that a law permitting liquor to come in as it does for private consumption tends to prevent your getting the full benefit you wish, in other words, if public opinion would permit it, would you stop importation for private consumption? I would want to think over that a little. We do not want any more than we can help to interfere with the private habits of people, except so far as they interfere with the public good. We think we are warranted by law in interfering in every way when the public good is endangered. I was talking once to John Stuart Mill, who asked me if I thought we should not let people drink as much as they liked, provided they do not interfere with others. Then he said 'you should have places where they can get it.' I said I disagreed with him, because the places where they get the drink inflict more injury on people than all other sources of mischief combined. If they can get their liquor in any way consistent with the public good, though we do not advise them to use it, still we would not object." (Q. 26122.)

Hon. Judge Rounds, of Calais, who also appeared before the Commission, said upon the subject:—

"Is your law such that if a citizen chooses to go to Boston and buy a cask of wine or a box of bottles of ale for home consumption, he can do so? Our law does not touch the personal use of intoxicating liquors. A man can go to Boston and purchase a case of liquor and bring it to Calais and take it to his home and use it at his own table. There is nothing in our law to interfere with it.

"Practically, has it not this effect, that the man who is wealthy and can afford to buy wine in Montreal or Boston, is placed in a position of advantage over the man of smaller means who cannot do so? He has the advantage that wealth always gives. I think that practically the wealthy do not get as much liquor as the poor. My idea is that the wealthy in this State, as a rule, do not use it; it is more largely used by men of small means. (Q. 10508-10510.)

The advocates of the prohibitory system claim as one of its greatest advantages, that it makes the liquor traffic disreputable, drives it into holes and corners and out of the way places, where only those who have lost their self-respect will go. This is a result which some persons, on the other hand, consider as otherwise than advantageous. They contend that the system increases the consumption of liquor in the homes of the working classes, and that the young are in this way brought in contact with conditions, and of necessity made familiar with scenes and incidents, whose influences must be hurtful.

A commission recently appointed by the Governor of Massachusetts to investigate the Gothenburg and Norwegian systems of licensing the sale of intoxicating liquors, engaged Mr. John Koren to visit Sweden and Norway and report, after personal investigation. That gentleman's report has been printed this year (1894) and circulated as a state paper. In it Mr. Koren says:—

"It may be mentioned that one of the first acts of the company was to remove the bars from the dingy back streets and courts, and locate them on much travelled thoroughfares, where they may be, as it were, under the surveillance of the public. Complaint is made that this is placing temptation directly in the way of many. But the policy of the company is more than justified by the fact that this turning broad daylight on the saloons has resulted in stamping out the usual loafing outside such places, as well as in exterminating, to a large extent, the confirmed toper and the vicious class of drinkers."

A number of gentlemen who gave evidence before the Commission were in favour of local option and high license, and others, who have always supported the present prohibitory law, expressed themselves as somewhat in doubt as to its advantages over the last mentioned system. Under local option and license the greater portion of the rural communities would, it is highly probable, continue to prohibit the traffic, whilst the cities and larger towns would license it.

His Worship, Mayor Baxter, of Portland, a supporter of the prohibitory law was asked:—

"Have you given any study at any time to the question of the superiority of the one system over the other, that is, the superiority of the license system over the prohibitory system, or *vice versa*?" In reply he stated, "I have paid considerable attention to it, and I have heard the matter dicussed a good deal. I must say that I am a little in doubt about the the matter. If there could be a licensing system which could be controlled properly, it seems to me that it would be better than our system here." (Q. 4567*b*).

Again:—

"If the liquor agency is to be made a source of revenue for the municipality, what is the difference between licensing that and licensing other persons to sell?—That is the point, of course, and that is why, in mentioning this matter, I stated that I was somewhat in doubt as to what was the best method. I do not know if there could be a license system perfectly controlled, but if we had such a license system, I have no doubt but that it would do as well as our present system. (Q. 4569*b*).

Alderman George Tolman, of Portland, chairman of the committee of the City Council controlling the liquor agency, when asked if he would prefer a license law, replied, "I believe that high license and local option would work much better in every large town and every city in the state. (Q. 5057*b*).

Mr. George L. Swett, ex-city marshall, of Portland, when asked as a "public officer and one who has been chief of police and been connected with the enforcement of the municipal ordinances and the preservation of the law and order in this city (Portland) have you come to any conclusion as to whether it is possible to enforce the prohibitory law in this city. My opinion is that a high license or local option law would be in the interest of the better morals of society. (Q. 5382*b*).

Mr. Franklyn R. Barrett, President of the Portland Savings Bank, the largest bank in the state, said that the requirements of the law might have something to do with the amount of the deposits, for instance the taxes paid to the state might be higher in one state than another, and the latitude given for investments greater. When asked if the prohibitory law had a beneficial effect or otherwise on matters in the state at large, he said, "I have always been inclined to doubt it, but yet I do not know that I can justify my doubt. I have no absolute knowledge of my own; but my impression is that any other law would do just as well as the prohibitory law. Of course the prohibitory law is easy to enforce in sparsely settled communities, and it has some effect there, but in my opinion a rigid license law would probably do the same thing. (Q 5859*b*).

Mr. Benjamin C. Stone, Clerk of the Supreme Judicial Court, stated:—

"It is a question in my mind as to whether a prohibitory law is better than high license law. I think that prohibitory or license law is better than no law; that is to say, I would not be in favour of unrestricted sale of intoxicants in the state. I think that the prohibitory law has had a beneficial effect, and that it is far above an unrestricted sale. But it is a question in my mind whether or not high license would have done fully as well. It is a matter which I have considered quite frankly, though I am free to acknowledge that I have have always been a prohibitionist, and I am in favour of restricting the sale of intoxicants, but, however, since I have been connected with the courts it is a question to my mind whether the prohibitory law has worked as well as a high license law might have done. (Q. 5974*b*).

Hon. George P. Westcott, President of the Portland and Rochester Railway, a member of the State Senate, and ex-Mayor of Portland, said:—

"In looking at the operation of the law, and reviewing its operation from 1866 to the present time, and especially from 1869 up to now, I see but little change. While the law has grown stronger, I do not see that the effect of it has been to reduce the number of arrests or the amount of drunkenness in this city (Portland). I do not see that there has been any decrease in drunkenness which would not have occurred to the same extent through the enlightenment and the general habits of the people. I believe that the same result would have been produced under a license system, and that there would have been less drinking now than formerly. (Q. 6082*b*).

"You mean that there is more liquor in private houses in the city of Portland than there used to be?—Yes, more than there was when liquor was sold freely, or than there would be if there were respectable places in the city where liquor could be purchased. (Q. 6103*b*).

"If a vote were taked in the city of Portland for local option, I believe that local option would carry, and that the sale of rum would diminish.

"When you say 'rum,' you mean, of course, liquors of all kinds?—Yes." (Q. 6145*b*–6146*b*).

Writing to the Chairman of the Commission, Mr. Westcott said:—

"The policy of the state and the majority of voters in the state, both Republicans and Democrats, are in favour of the prohibitory law remaining on the statute book. It is true, however, that they do so with this qualification, that they want prohibition in the country where public sentiment of both political parties will sustain prohibition in the country towns, but they want free rum practically in the

cities; and I believe that a majority of both parties in the cities, freely expressed, would be for local option or, rather, high license. * * * In Portland the law has been fairly well enforced for years, while in Bangor the contrary is true. They have had for years in Bangor, where public sentiment is in favour of the prohibitory law, but against its enforcement, practically free rum."

Mr. L. T. Carleton, County Attorney for Kennebec County, said:—

"This drink question is a great question. I suppose that liquor will always be drank so long as liquor is made, and what the outcome is going to be I do not know. I think the prohibitory law is a success in some directions, and it is a failure in other directions. I think, however, it is ahead of any we have ever had in this line. I believe it is ahead of the license law. * * * * Whether the high license law and local option would be better or not I do not know. If we had, however, a town of this size under local option, I believe we would have no rum shops.

"Do I understand you to say that you have not made up your mind as to whether high license or local option would produce better results than prohibition? I cannot say that I have made up my mind as to that." (Q. 8475*b*–8477*b*.)

"Do you think that a vote to repeal the prohibitory law would have any chance in this state? If this matter would be submitted again to the people in the State of Maine, under an Australian ballot system, as we have it now, I am much afraid that there would be no 47,000 majority in favour of prohibition, as there was before. I do not say that the vote would be against prohibition, but it would be very close in my judgment.

"What effect would the Australian ballot system have? Well, of course everybody knows that any number of people desire to be considered as temperance people and teetotalers, and yet they take a glass of liquor once in a while, but when they come to vote openly they will vote for temperance. A great many do not vote on this question as they believe, but as they practise." (Q. 8491*b*–8492*b*.)

Mr. Charles B. Chick, city clerk of Augusta, when questioned in reference to his opinion regarding the working of a license law as compared with prohibition, said:—"I have always been a high license man. I think it is the wisest system. I think it is better than this prohibitory law."

"Why? Because I think the condition of things here is degrading and demoralizing. It puts in contempt, not only our prohibitory law, but all our laws. (Q. 6672*b*–6673*b*.)

"As a matter of fact, as a citizen of Maine, you would favour a high license law? Yes, if I had a chance to vote for it, I would vote for it, and advocate its adoption.

"Would it be a political question? Not with me. In my opinion, I think the majority of the people would vote for high license, as we have now the Australian ballot system and not open voting." (Q. 6689*b*–6690*b*).

Mr. C. W. Jones, chairman of the State Board of Inspectors of Prisons and Jails, said:—"I am most heartily in favour of the license system, although I voted for putting prohibition in the constitution. (Q. 6793*b*.)

"For what reason would you prefer a licensing system to the prohibitory law? I think a license law would make the trade more honourable, for one thing. Now a large part of the rum is sold in low dives and by pocket peddlers. They pay no United States license, and they sell to the lowest class of the people, just the class of people who commit crime when under the influence of liquor. (Q. 6812*b*.)

"The state derives more revenue from it (high license); and if you put the liquor sellers in jail under prohibition, it is more expensive for maintaining them. I believe that if you had license system you would drive out of the business these low dives which sell cheap liquor. * * * The people who hold the license would be as much interested as any one in driving them out." (Q. 6821*b*.)

A. D. Andrews, Esq., Judge of the Municipal Court of Augusta, on being asked if the prohibitory law made the traffic in liquor disreputable, replied:—

"I should say so.

"Is that a benefit for the community? That is a question to be argued either way. I do not think any respectable man in the State of Maine to-day would want

to be known as a liquor seller. I should sadly deplore to see a license law. Even with all the hypocrites and perjurers that the liquor law has caused, I should be sad to see a liquor license here." (Q. 6889*b*–6890*b*.)

Mr. E. Norton, High Sheriff of the County of Kennebec, after remarking that the prohibitory law was not an entire success, continued, "I think that better results could be obtained under the license law. I think it would be better if we had a high license law. (Q. 6949*b*.)

"As a citizen of the city, born here, are you satisfied with this law? No, I think a license law would be better." (Q. 6985*b*.)

Mr. A. S. Bangs, of Augusta, lumber merchant, an ex-Grand Chief Templar for the State of Maine, said:—

"I have had an opportunity of seeing the working of the prohibitory law in all parts of the state, and to compare it with the license system. * * * Whether it (the prohibitory law) was the wisest law that could be enacted, or whether the subsequent amendments have been the wisest is of course a question which various people differ upon. * * * Of course there are those who believe that a high license law would preferable to a prohibitory law, and I know that they are honest in their opinions. I used to think so myself. I am free to state that before my connection with the temperance organization, I believed in high license, and sought to strengthen myself in regard to it by visiting those places where high license prevailed. But you find the same difficulties in high license cities that you find here under the prohibitory law. High license does not stop people from selling liquor who have no license." (Q. 7127*b*.)

Thos. W. Vose, Esq., Judge of the Municipal Court of Bangor, said, on his examination before the Commission:—

"I would suggest nothing to take the place of prohibition. There is license and local option, but prohibition involves both local option and license to this extent: you may say we have license because we do not enforce the law, and we have local option because we do not enforce the law. Public sentiment is what controls all three.

"I am inclined to think the people in Bangor would favour local option. It is only a question of whether we would have more rum sold or whether we should have it in our power to say we would stop it at any moment or let it be controlled.

"If local option were carried out in accordance with the sentiment of the people, what do you say as to that compared with the present state of things? I am for prohibition." (Q. 7343*b*–7346*b*).

Mr. J. Norman Towle, of Bangor, wholesale grain merchant, was asked—

"Is it your opinion that, if a vote were taken on the question of prohibition, the people of Bangor would vote for some other law than the prohibitory law? Yes, I think that the people would vote for high license in their city." (Q. 7483*b*).

Mr. T. O. Beal, Mayor of Bangor, said in his examination—

"Do you believe that the prohibitory law has had the effect of promoting total abstinence? I do not think it has. I think it has been a signal failure in that respect. (Q. 7580*b*).

"Were you originally in favour of the prohibitory law? I was young when the law was first started, so that I cannot say that I know much about it * * * My experience of the operation of the law was not calculated to make me a radical temperance man. I may say, however, to you that I do not take a drink myself, and that I hate to see anyone else taking a drink * * I doubt if the principle of the law is solid." (Q. 7610*b*).

Mr. Chas. H. Bailey, County Attorney for Penobscot County, Bangor, said:—

"The object of the prohibiton law was, if possible, to restrain the sale of intoxicating liquors, in making certain limitations under which it could be sold * * It has not accomplished that purpose manifestly here * * I think that the result of the law has been to cause a great deal of good. I think, however, the moral effect of such a law is good. I think that amongst our rural population it is work-

ing well. In our cities and large centres of population, the prohibitory law does not work so well.

"Have you given any thought to a local option law? The matter has received some consideration from me, but I have never thought that that would very much restrict the sale of liquor. There are a great many people who think, however, that local option would be nearer the correct idea than the state of affairs we have." (Q. 7702*b*–7703*b*).

Joseph S. Smith, Esq., President of the Manufacturing and Bangor Extension Leather Company, said:—

"Has the (prohibitory) law, taking the city all over, done any good? I do not think it has. I believe in high license.

"Do you mean to say that you prefer high license to prohibition, and always have done so? I always have preferred high license and I prefer it to-day, because I think it will control better the sale of liquor. I would have a law that would limit the number of licenses and control the sale." (Q. 7834*b*–7835*b*).

Mr. William Dobson, of Pittsfield, woollen manufacturer and mill owner, in his evidence before the Commission, said:—

"If we had a license law with local option, I should vote against it. I would have no license so far as Pittsfield (population about 2,500) is concerned. If I lived in Boston, I should vote for licenses. I think there are places where prohibition can be enforced pretty well, as it is in this town, because public opinion sustains it, where in other places it does not sustain it.

"You think you would prefer no license? If we had a license law in the State of Maine, with local option, I would vote against it, and against having license in this place.

"Are you in favour of license and local option being the law? I am not prepared to say that I am. I feel more inclined that way, however, than I did formerly. There are some things that are not right in the prohibitorylaw * * There are a great many things that I do not like under prohibition, and my position in that respect is a little different from a good many others here. (Q. 8268*b*–8270*b*).

"Do you believe that a license system, like the one they have in Boston, would work better in Bangor than the present system? I do firmly believe so. I do not want to be understood as saying that I believe in local option absolutely, but I am inclined to that belief." (Q. 8281*b*).

Hon. William H. Newell, ex-Mayor of Lewiston, and ex-County Attorney, said:—

"Would you not give country places the right to decide whether they should or should not have a license in their midst. I do not think that I would have any licensed places in the country.

"You would give them local option with high license? Yes. (Q. 8925*b*-8026*b*).

"Do you believe that the prohibitory law is not promoting total abstinence? No, I do not believe that any well informed man who meets men and who has lived here, would say that it did." (Q. 8940*b*).

Hon. A. D. Cornish, Lewiston, Judge of the Municipal Court of Lewiston, when questioned as to what effect the prohibitory law had upon the sobriety of the people in Lewiston, replied that he had no doubt that it had greatly lessened the number of cases of intoxication, and the consumption of liquor. (Q. 8989*b*-8990*b*).

Hon. Mr. Staples, Mayor of Biddeford, was examined before the Commission. He was asked,—

"What system do you think would work better than the present prohibitory law? I think that a license law with local option would be the best law.

"Do you know anything of how the license law with local option is working in Massachusetts? Well, most of the cities in Massachusetts have license. If a city in Massachusetts votes for no licenses this spring, they are sure to change it next spring, and have licenses." (Q. 9097*b*, 9099*b*).

"Taking the state as a whole, do you think the law has done good or harm?—I think the law has been a benefit in the sparsely settled parts of the state, that is in the country districts.

"If you had local option, would you have license in Biddeford?—Yes, sir; some would and some would not vote for license. I have no doubt but that Biddeford would have license. (Q. 9108*b*–9110*b*).

Hon. Judge Cram, Judge of the Municipal Court, Biddeford, said:—

"Our present prohibitory law will drive any man out of the business if they enforce it against him. (Q. 9213). From my knowledge of the prohibitory law, I believe it has done good in the country towns. (Q. 9214). It is easier to enforce in country places. (Q. 9215). I do not think it has worked satisfactorily in the large cities of the state. (Q. 9229).

The evidence collected in the State of Maine is too extensive to admit of a summary being made of it here, and will require to be read by those who desire to fully understand the working of the prohibitory law in that state. On all hands it seems to be admitted that prohibition has come to be considered as a question to be handled by the two great political parties in the manner best calculated to procure them votes. The Democrats openly condemn the law, the Republicans openly commend it; but they are not unfrequently charged with neglecting, when in office, to enforce its provisions. They are said to thus secure in many instances the votes of the illicit dealers in liquor, who object to their policy, but approve their practice. That the earnest and active prohibitionists are dissatisfied with the conduct of both parties may be assumed from the fact that they now regularly put in the field candidates of their own for some of the public offices. The prohibitionist candidate for the position of governor of the state polled in 1890, 2,981 votes, and in 1892, 3,732 votes. The successful candidate polled in 1890, 64,259, and in 1892, 67,609 votes. These figures would seem to indicate that the electors attach more importance to the success of their political candidates than to any more active and energetic enforcement of the prohibitory liquor law.

There are many religious denominations in the state, and most of the churches probably endorse and support the prohibitory system. The evidence of several clergymen was taken, and the Bishops of the Roman Catholic and Episcopalian churches of the state both expressed their views before the commission.

President Hyde, of Bowdoin College, Brunswick, Maine, writing in the *Forum* in June, 1892, on "Impending Paganism in New England," says:—

"The word *paganus*, pagan, originally meant simply countryman or villager. It acquired its present meaning in consequence of the fact that as Christianity entered the Roman Empire through the cities, the rural regions were the last to be converted. In New England, on the contrary, Christianity came first to the town. Yet New England to-day is confronted with the danger that the country village will be the first to lapse from vital Christianity, that here the English word countryman will repeat the history of its Latin predecessor, and that rusticity will again become synonymous with godlessness and superstition.

"Statistics recently gathered by the Maine 'Bible Society' show that Waldo County, Maine, has 6,987 families divided in religious preference as follows:—Adventist, 239; Baptist, 713; Christian, 159; Congregationalist, 691; Episcopal, 24; Free Will Baptist, 734; Methodist, 1,818; Roman Catholic, 136; Unitarian, 126; Universalist, 619; other denominations, 541; without preference, 1,046; not recorded, 141. Of the total 4,850 report themselves as not attending church. Oxford County contains 7,288 families, of which 4,577 report that they attend no church. The combined statistics of 15 counties show that of 133,445 families, 67,842 are not attendants upon any church."

These statistics go to show that the fact of the prohibition of the liquor traffic being a part of the constitution of Maine has not had the effect of strengthening the religious life of families in the State, and that the influence of religion is diminishing. This diminution must affect all lines of temperance work, and in this State give point to the assertion frequently made that religious and other efforts in behalf of

voluntary temperance have weakened contemporaneously with the attempt to compel the people by legislative enactments to become total abstainers.

The attention of the undersigned has been called to the inaugural addresses of the governors of the state to the Legislature, since 1880, which refer to the prohibitory law.

In Appendix, No. 169 will be found copies of the portions of these addresses which relate to that law. They must, of course, be read as the utterances of public men engaged in party politics in the state. Statistics or other evidence in support of the statements made in regard to the beneficial effects of the law are not supplied, and it is impossible to ignore the fact that there are many other public men taking part in the affairs of the state whose opinions do not agree with those expressed in these addresses.

The President of the Maine Pharmaceutical Association, in an address delivered before the members of that body in October, 1891, said:—

"In the first place the old Washingtonian temperance revival did more for temperance than any individual or law ever could. It was a movement founded on self abnegation and co-operation, without the baneful influence of sumptuary laws. Under it bar-rooms and grog shops were made dry in Maine, through lack of customers, and would never have appeared again had wise legislation regulating the sale of intoxicants been adopted. But prohibition came; with it the saloon; and though its author is credited with saying to the Legislature that first enacted it: 'give me this law and in thirty days I will suppress the rum traffic in the city of Portland,' the fact remains, that in nearly half a century which has since elapsed, at no time has the rum traffic been suppressed in that city, except at brief spasmodic spurts, when people were excited and misled by inflammatory appeals to believe for a time, that prohibition and temperance were synonymous terms. It is unnecessary to state that such 'enforcements' were, as they always will be, ghastly caricatures on voluntary temperance, and at no time has the main object, the lessening the consumption of intoxicants, been achieved; and as soon as the pressure was off the conditions were worse than before."

This gentleman in support of his views that persuasion is more effective than prohibition in dealing with intemperance, referred to the opinions of Mr. Francis Murphy, Mr. John B. Gough, and Dr. Dio Lewis.

When it is claimed that under prohibition the people of Maine have become more temperate and that the open sale of liquor in country districts (called towns in Maine) has been discontinued, it has to be borne in mind that the people in many other places where prohibition does not exist, have also become more temperate in the use of intoxicants, and that under the law in the State of Maine, open sale means open defiance of the law, but that the absence of open sale by no means implies that sale is not carried on , or that liquor is not supplied to those who desire to get it. As a matter of fact, the evidence taken by this Commission proves the reverse to be the case.

The addresses show that very exceptional measures have been taken to give effect to the law, such as that of superseding the local officials by officers appointed by the state, and the issue, in one instance, by the Governor of the state, of exceptional instructions to public functionaries. They form a striking commentary upon the statements frequently made that it is no more difficult to enforce a prohibitory law than it is to enforce the law against murder and other serious criminal offences.

Notwithstanding the reference in every inaugural address for years past, and the urgent appeals and exceptional measures taken to enforce the law, that it is not efficiently enforced is admitted in almost every case in these state papers, and we have the further evidence of the most distinguished, and perhaps the most able, advocate of the system, General Neal Dow, to prove. That gentleman gave the following evidence:—

"You say that you have gone to the State Legislature and tried to get amendments to the prohibitory law, and that you did not succeed in some cases. If the Legislature of Maine was anxious to make the law effective, would they not have given you the amendments you sought? Yes.

"Did they reflect public opinion in withholding these amendments? They did not reflect the public opinion of Maine.

"The Republican party has been dominant in this State for many years. Did the Republican legislators reflect public opinion by pursuing this course and defeating your efforts to make the law efficient? Yes.

"Does the Republican sentiment in the legislature play with the law, so as to make it a political foot ball? They do.

"How about the Democrats. Are they any warmer friends of the prohibitory law than the Republicans? No, they are utterly opposed to the law and always have been.

"The action of one party, the Republicans, is to use the prohibitory law as a political lever? Yes.

"And that of the other party, the Democrats, is open opposition to the law? Yes.

"Is it possible that there can be a fair enforcement of the law under such a condition of things? No.

"If the prohibition sentiment is predominant in the State of Maine, what steps are the people taking to put an end to this condition of things? We are trying to show the people of Maine that if they are in favour of prohibition they must show it by their votes and not by what they say. On the platform, I very often refer to the action of the Republican and Democratic parties in this respect. I say that the Democrats like whisky and go for whisky honestly and openly, and the Republican party do not believe in whisky, but they go for whisky all the same. That is the only difference between the two.

"Then there is nothing to be hoped for in the way of a rigid enforcement of the prohibitory law from either of the recognized political parties in the State of Maine? No.

"And the law will not be rigidly enforced until there is some new party returned to power, which will make prohibition the principal plank in their platform? That is what we are after.

"We may attribute the laxity of enforcement throughout the different parts of the State to a want of sympathy among the politicians? Yes; the state of things existing here is really demoralizing. Although the law of the State has been on the statute books for forty-two years, and has been reaffirmed by a majority of 47,075 of our people, it is not enforced in some places. I am sorry to see some of our judges ignoring the law. That is very demoralizing and it tends to lead the whole people of the state to illegality.

"Is it not possible that the people of State, a great majority of whom are so strongly in favour of prohibition, as you say, would throw off party allegiance for one or two years, so as to secure the amendments to the prohibitory law which are necessary? It is a wonder they do not. If they did that, they would soon abolish rum." (Q. 5801–5813.)

In the Governor's address for 1885, it was stated that "The present law may therefore be considered sufficient to cover all violations of its provisions that can possibly occur, and its weakness seems to be in its non-enforcement by those officers whose duty it is to execute the laws of the State." Notwithstanding this, we find that in 1887 the Governor states that "the more zealous friends of the temperance cause think that an increase of the penalties, especially for the first offence of liquor selling, would cure the admitted evil of imperfect enforcement," and it may be said that in every session of the State Legislature since 1887, amendments to the law have been passed.

Judge Charles R. Rounds of the Municipal Court of Calais, Me., who gave evidence before the Commission at St. Stephen, N.S., speaking of the disadvantage of increased penalties, said: "I think it (the Maine law) has not been so thoroughly enforced under imprisonment for the first offence as it was before. I talked the matter over with two of the judges of the Supreme Court. They told me they found difficulty with juries in regard to obtaining convictions for the first offences, the juries now finding excuses to let off the parties which they did not before. * * *

It is said to be because there is now imprisonment for the first offence, and the juries thought it too severe. To the common mind that penalty is too severe for the first offence. Judge Libby, one of the judges of the Supreme Bench, said he found considerable difficulty, and that whereas he could get convictions without any difficulty formerly, he now found that juries hesitated about rendering them in cases of first offence." (Vol. 1, p. 535, Q. 10496-10497.)

On this question of increased penalties Governor Joseph R. Bodwell, in his address to the Legislature, January, 1887, said: "Some of the more zealous friends of the temperance cause think that an increase of the penalties, especially for the first offence of liquor selling, would cure the admitted evil of imperfect enforcement, but the more prudent, and I think by far the larger number, are of the opinion that an increase of the penalty would do harm rather than good. What is actually needed at the points named is a sound public opinion to urge and uphold the enforcement of the law. Where that is wanting the case is made difficult with the prohibitory law, as indeed it always is with every form of law. Perhaps an increase of penalty would, in the place referred to, enhance rather than diminish, the evils of indifference and of hostility."

In Appendix, No. 76, will be found letters and papers forwarded by order of His Excellency the Governor of the State of Maine for the use of this Commission.

## NEW HAMPSHIRE.

The law in this state is somewhat similar to the prohibitory laws of Maine and Vermont. It has been in operation since 1855. Brewing and distilling are not prohibited.

Secretary of State Stevens, who replied to the letter addressed to the Governor of the State, says:—

"In towns where public opinion does not encourage it the law is not uniformly enforced, and sales are made with more or less freedom; but in a majority of the towns of this state the law is enforced, and no open, if any, sales are made. Our statute generally restrains and prevents a general sale, and, as stated, in many places entirely prohibits the sale."

By the Act entituled "An Act for the Sale of Spirituous or Intoxicating Liquors," provision is made for legal sales. The Governor appoints a person to sell liquor to town agents, who are chosen by the selectmen of towns. They sell spirituous liquors to be used "in the arts, and for medicinal, mechanical and chemical purposes."

It is provided that the act shall not be construed "to prohibit the sale, keeping for sale of domestic wine, nor the sale of any foreign spirituous liquors imported under the authority of the laws of the United States by the importer thereof, in the original casks or packages in which they are imported." (Section 22.)

"The selectmen shall prosecute, at the expense of the town, every person guilty of a violation of any previous section of this chapter, of which they can obtain reasonable proof; and if any selectman shall neglect his duty as specified in this section, he shall be fined not more two hundred dollars. But this provision shall not be construed to prevent any person from making complaint, and instituting and carrying on prosecutions for such offences, and such complainant, whether a town or city by its officers or an individual, shall be entitled to one-half of every fine collected through such prosecution." (Section 23.)

"If any person charged with the offence of drunkenness shall, before conviction thereof, disclose the name of the person from whom he obtained liquor whereby he became intoxicated, and whenever required shall testify fully concerning the same, he shall thereupon be discharged." (Section 26.)

In 1892 there appear to have been five breweries in the state and two distilleries.

The following is a summary of the number of special tax payers in the state for the year ending 30th June, 1892:—

| | |
|---|---|
| Retail dealers in malt liquor | 160 |
| Wholesale dealers in malt liquor | 68 |
| Retail dealers in spirits | 1,669 |
| Wholesale dealers in spirits | 9 |
| Rectifiers | 1 |
| Brewers | 5 |
| Total | 1,912 |

The population in 1890 was 376,530; assuming it to be in 1892, 380,000, there would be one special tax payer for every 198 of the population.

Appendices 141 to 146, inclusive, give particulars of arrests for offences of all kinds and arrests for drunkenness in Portsmouth, Rochester, Manchester, Keene, Concord and Nashua. The ratios of these arrests are all comparatively high, and do not compare favourably with similar places elsewhere. In most instances they are largely in excess of the ratios of arrests in towns and cities in Canada, where the liquor traffic is carried on under license. In appendix number 136 comparative figures for a large number of towns and cities in the United States and Canada will be found.

The United States census returns supply the following information. No statistics of commitments to gaols, or convictions for crime, are available:—

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 376,530 | ..... | 346,991 | ..... |
| Convicts in penitentiaries | 116 | 0·31 | 154 | 0·44 |
| Prisoners in county gaols | 113 | 0·30 | 57 | 0·16 |
| Paupers in almshouses | 1,143 | 3·04 | 1,198 | 3·45 |
| | 1889. | | 1881. | |
| Inmates of insane asylums | 339 | 0·97 | 285 | 0·81 |
| | 1890. | | 1880. | |
| Inmates of juvenile reformatories | 102 | 0·27 | 111 | 0·32 |

## NORTH DAKOTA.

Letters from the Secretary of the Governor of this State and from the Secretary of State, will be found in appendix number 76. The State is under prohibition. A prohibitory amendment to the constitution was carried in 1889 by a vote of 18,552 for, to 17,393 against. From the letter of the Secretary of State it will be seen that there are practically no statistics in existence which afford any information as to the effect of prohibition in this State. The two largest towns in the State adjoin Minnesota, from which, being a license state, liquor can easily be obtained. The Commissioners have not been able to obtain any statements of arrests in these towns.

The reports of the Board of Trustees for the hospital for the insane at Jamestown, shows that on the 1st November, 1890, there were 221 inmates in the hospital. On the 31st October, 1892 (the reports are made biennially) the number was 262. Taking the population in 1890 to have been 182,719, the ratio per thousand of the insane in the hospital would be 1·20. If the population in 1892 is assumed to have been 200,000, the ratio per thousand would be 1·31.

The report of the Trustees of Bismarck penitentiary (page 41) shows that in the year ending 31st October, 1890, there were 50 inmates in the penitentiary. In the report of the 31st October, 1892 (page 35) the population was shown to be 76.

Of the convicts received in the penitentiary between 31st October, 1890, and 31st October, 1892, 89 in all, 19 were classed as temperate, and 70 as intemperate. 77 were classed as using tobacco, and 12 as not using tobacco.

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available.

| — | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 182,719 | ..... | 36,909 | ..... |
| Convicts in penitentiaries | 65 | 0·36 | * | ..... |
| Prisoners in county jails | 25 | 0·19 | † 55 | 0·41 |
| Paupers in almshouses | 35 | 0·19 | * | ..... |
| Inmates of juvenile reformatories | ..... | ..... | ‡ | ..... |

*Includes North and South Dakota in 1880. The ratio is based on the population of the two states.
†No returns for 1880.
‡There is no juvenile reformatory in North Dakota.

## SOUTH DAKOTA.

In Appendix No. 76 will be found letters from executive officers of this state. It has not been practicable to obtain any statistics showing the effect of the prohibitory law in South Dakota. The Assistant Secretary of State, writing on the 15th January, 1894, says in response to request for copies of reports on asylums, jails, &c.:—

"I have to inform you that we have no records at hand with which to furnish you the statistics asked for. Neither could we get it, as no such record is kept within the state."

A prohibitory amendment to the state constitution was carried in 1889 by a vote of 39,509 for, to 33,456 against.

The United States census returns supply the following information:—

| — | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 328,808 | ..... | 98,268 | ..... |
| Convicts in penitentiaries | 97 | 0·29 | † | ..... |
| Prisoners in county jails | 72 | 0·19 | *55 | 41 |
| Paupers in almshouses | 53 | 0·16 | † | ..... |
| ‡Inmates in juvenile reformatories | ..... | ..... | ..... | ..... |

*Includes South and North Dakota in 1880. The ratios are based on the population of the two states.
†No returns for 1880.
‡There is no juvenile reformatory in South Dakota. Census bulletin No. 72.

## VERMONT.

This state is under prohibition. The law has been nearly forty years in operation. Sale is controled by county commissioners, who appoint town agents to sell for medicinal, chemical and mechanical purposes only. Selectmen furnish liquor and fix selling price, which is as nearly as possible actual cost.

Section 1 of the law provides that nothing shall prevent the manufacture, sale or use of wine for the commemoration of the Lord's Supper, nor for the manufacture, sale and use of cider, or, for medicinal purposes only, of wine made in the state from grapes or other fruits the growth of the state, and which is without the admixture

of alcohol or spirituous liquor, nor the manufacture by any one, for his own use, of fermented liquor.

The prohibition as regards "furnishing" and "giving away" shall not apply to the giving away by a person in his own dwelling, unless given to a minor other than a member of his own family, or habitual drunkard.

A penalty of $25 and costs is imposed for carrying liquor by freight or express, unless said barrel or other vessel is legibly marked with name of person to whom it is sent or to be delivered.

The penalties for selling, furnishing and giving away are $10 and costs for a first offence; $20 and costs for a second, and $20 and costs, and imprisonment for not less than three months, nor more than six, for a third subsequent offence. An amendment gives discretion to judges to imprison for a first offence, and to impose a fine of not less than $10, nor more than $100.

Penalties are imposed for drunkenness, of $5 and costs for a first; $10 and costs for a second; and $20 and costs and imprisonment for one month for a third and each subsequent offence.

A person refusing to disclose where he obtained liquor may be committed to prison until he makes such disclosure.

A references to appendices numbers 79 to 82 will show that this state has a very low ratio of criminals and also a very low ratio of paupers. The commitments to jail for drunkenness are small. The arrests for drunkennessin the few places from which it has been practicable to obtain statistics are given in Appendices 137 to 140 inclusive.

In a letter from the secretary of His Excellency the Governor of the State, it is mentioned that the law is not uniformly thoroughly observed. That there is opposition to it in certain localities, is evident from the number of prosecutions for offences against it which are also referred to in the letter.

The reports of the Department of the Interior, Washington, show one brewery within the state.

In the letter referred to it is added, "it is the opinion of those best versed in the matter that the effect of the law in Vermont has been to decrease the consumption of intoxicating beverages; that it is diminishing drunkenness and having a marked tendency to diminish crime and lessen the poor expenditure; and that our insane asylums have less inmates than they would have were it not for the existence and enforcement of the prohibitory law, though in many cases it has failed of a very strict enforcement."

It may be mentioned that there is no city or town within the state with a larger population than 15,815, and only one with that number of inhabitants. The population is mainly rural.

The state reports presented to the legislature are all for periods of two years. The first one obtained by the Commission is for a broken period of 23 months, viz. from the 1st August, 1888, to the 30th June, 1890. The commitments to the county jail and the house of correction for that period were:—

| | |
|---|---|
| For all offences | 684 |
| For drunkenness | 205 |
| For offences against the liquor law | 62 |

Which would give for 24 months an average of about 714, 214 and 65.

For the two years ended 30th June, 1890, the commitments were:—

| | |
|---|---|
| For all offences | 842 |
| Drunkenness | 291 |
| Offences against the liquor law | 74 |
| | 1,207 |

Taking the population as 332,000, the commitments per annum per 1,000 of the population would be :—

| — | 1888-89. | Per 1,000. | 1889-90. | Per 1,000. | 1890-91. | Per 1,000. | 1891-92. | Per 1,000. |
|---|---|---|---|---|---|---|---|---|
| All offences | 357 | 1·07 | 357 | 1·07 | 421 | 1·26 | 421 | 1·26 |
| Drunkenness | 107 | 0·32 | 107 | 0·32 | 145 | 0·43 | 146 | 0·43 |
| Offences against the liquor laws | 32 | 0·09 | 33 | 0·09 | 37 | 0·11 | 37 | 0·11 |

Comparing these figures (which have been worked out as accurately as the data available would permit) with the commitments in the State of Maine, the result is, per 1,000 of the population :—

| — | All Offences. | Drunkenness. | Offences against Liquor Laws. |
|---|---|---|---|
| Maine, 1889 | 6·00 | 2·10 | 0·28 |
| do 1890 | 5·73 | 2·04 | 0·29 |
| do 1891 | 5·53 | 3·48 | 0·35 |
| do 1892 | .... | ..... | ..... |
| Vermont, 1889 | 1·07 | 0·32 | 0·09 |
| do 1890 | 1·07 | 0·32 | 0·09 |
| do 1891 | 1·26 | 0·43 | 0·11 |
| do 1892 | 1·26 | 0·43 | 0·11 |

The following statement shows the amount collected for fines imposed for offences against the liquor laws, and the expenses of prosecuting offenders :—

EXPENSES AND REVENUE.

| — | Cost of prosecuting in Liquor Cases. | Fines paid. | Net Revenue. |
|---|---|---|---|
| | $ cts. | $ cts. | $ cts. |
| 1886 | 23,100 00 | 30,636 00 | 7,535 00 |
| 1887 | 21,417 00 | 44,386 00 | 22,969 00 |
| 1888 | 25,324 00 | 44,386 00 | 38,176 00 |
| 1889 | 25,986 00 | 47,396 00 | 21,409 00 |
| 1890 | 24,731 00 | 37,449 00 | 12,717 00 |
| 1891 | 30,470 00 | 50,254 00 | 19,784 00 |
| 1892 | 33,183 00 | 69,914 00 | 31,730 00 |

The United States census returns supply the following information:—

| — | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 332,422 | | 332,286 | |
| Prisoners in penitentiaries | 91 | 0·27 | 143 | 0·43 |
| do county jails | 30 | 0·09 | 45 | 0·13 |
| Paupers in alms houses | 543 | 1·63 | 655 | 1·97 |
| | 1889. | | 1881. | |
| Inmates of insane asylums | 468 | 1·40 | 447 | 1·34 |
| | 1890. | | 1880. | |
| Inmates of juvenile reformatories | 86 | 0·26 | 149 | 0·45 |

## DISTRICT OF COLUMBIA.

The District of Columbia, the seat of the United States Government, is under a recently passed measure of high license.

In 1888 an attempt was made to secure a prohibition act for this district, but it proved abortive, notwithstanding the acknowledged weakness of the then existent license law. The fees paid for licenses under the old law were:—For a wholesale license $25 per annum; for a retail license, $100. Under this Act there were in the city of Washington alone from 900 to 1,400 liquor licenses granted.

The new law was approved 3rd March, 1893. It constitutes the three Commissioners of the District an excise board for the consideration and disposal of all applications for license, such disposal to be final. The board must appoint a clerk, who shall also be license inspector.

All applications must set forth that the applicant is 21 years of age, and was never convicted of any violation of the liquor laws, nor of gambling, and is not already a licensee. This must be confirmed by an affidavit before a notary, and any false statement shall revoke the license, and constitute perjury. The applicant's declaration must be supported in the cities of Washington and Georgetown by the written permission of the majority of the residents and persons owning real estate on the side of the square on which the proposed bar room is to be placed; if the place is at a corner, then the majority on both streets must signify their consent. Outside these two cities the majority of residents and owners within 250 feet on each side of the proposed bar-room must consent. Hotels having 20 chambers for guests need not make annual application for renewal of license, but during good behaviour have only to pay the annual license fee. No one under the age of sixteen may be served or employed on any licensed premises, and selling is prohibited on Sunday, and between the hours of twelve (midnight) and four o'clock in the morning.

The fee for a wholesale license under this Act is $250, and for a bar-room license $400 per annum. One pint is the minimum wholesale quantity. Druggists may sell under medical prescription only; any other sale constitutes sale without license.

The penalty for selling without a license is: for first offence, from $250 to $800, with or without imprisonment of from two to six months; for a second offence, as above, with imprisonment from three months to one year. The violation of any condition of the license incurs a fine of from $50 to $200 for a first offence, and for every subsequent offence a similar fine, with 25 per cent of the amount of the previous fine added; in default, imprisonment for six months, or until the fine is paid. No license can be granted after a second conviction. For aiding or abetting in any violation of the license, the fine is $50 to $100, or imprisonment for one month.

No licensed place may exist within 400 feet of any schoolhouse or place of public worship.

The life of a license shall be twelve months only.

The Commissioners are indebted to the Hon. Senator McMillian, Michigan, for valuable information respecting the District of Columbia. In a letter from Mr. McMillan dated 8th March, 1894, he states, with reference to the liquor law of the District of Columbia, that "it was passed while I was chairman of the District Committee, and was drawn by me after a long study of the subject. The results have been excellent, both in the way of revenue, and also in closing saloons, especially in the residential portions of Washington."

The United States census returns supply the following information. No statistics of commitments to gaols or convictions for crime are available:—

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 230,392 | | 177,624 | |
| †Convicts in penitentiaries | | | | |
| Prisoners in county gaols | 213 | 0·92 | 190 | 1·07 |
| Paupers in almshouses | 221 | 0·96 | 184 | 1·04 |
| Inmates of juvenile reformatories | 187 | 0·81 | 168 | 0·95 |

† There is no penitentiary in the District of Columbia. (Census Bulletin No. 31.)

## IDAHO.

The State is under high license.

The Governor of the State, in a communication to this Commission writes (see appendix 76):—"At the last session of the legislature a high license law was enacted, which in all the counties of the state, except one, has been carefully enforced. I am not advised that there has been any diminution of consumption of alcoholic liquors, or decrease of crime, or increase of insanity as a result of its enactment and enforcement."

The licensing board for each county is composed of the county commissioners.

Each licensee must enter into a bond of $1,000, with two sureties, resident householders or freeholders of the county, that he will observe the law. The license fee is $500 per annum in cities and towns, and $300 per annum in villages or hamlets. Notice may be given to licensees not to sell to habitual drunkards, and if sale is subsequently made to such, a civil action may be brought and damages recovered; and the Board shall cancel and annul the license. In the event of a licensee being convicted of a violation of any of the provisions of the License Act, he shall lose his license. It is further provided that any licensee, "who shall keep a disorderly house, or allow boisterous or disorderly conduct therein, or shall allow the peace and quiet of the neighbourhood to be disturbed by loud and unusual noises therein, or threatening abusive or obscene language therein, shall be guilty of a misdemeanour, and upon conviction thereof shall be punished accordingly; and his license may likewise be revoked."

The United States census returns supply the following information. No commitments to jails, or convictions for crime, are available:—

| —— | 1890. | Per 100 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 84,385 | | 32,610 | |
| Convicts in penitentiaries | 102 | 1·21 | 22 | 0·67 |
| Prisoners in county jails | 45 | 0·53 | 10 | 0 31 |
| Paupers in almshouses | 20 | 0·24 | 7 | 0·21 |
| Inmates of juvenile reformatories | | | | |

There is no juvenile reformatory in Idaho—(Census Bulletin, No. 72).

## INDIANA.

High license prevails in this state.

The Governor in reply to a communication from this Commission writes:—(Appendix 76.)

"Briefly, this state has never had any prohibitory law legislation. The liquor traffic is now regulated by stringent laws, and what is termed a high license system."

The earliest provision for the regulation of the liquor traffic in this state was made in 1805, when the Governor was empowered to prohibit the sale of liquor to Indians. In 1807 an act was passed providing that the Court of Common Pleas should issue licenses, upon bonds to obey the law, not exceeding $300. In 1816 the right to grant licenses was transferred to the county commissioners, upon production of a certificate of moral character signed by twelve householders, stating that the place would be a convenience to travellers, and the giving of a bond to the extent of $500. In 1819 this power was transferred to the Circuit Court, only to be retransferred to the county commissioners in 1824, and given to the County Court in 1828.

On the consolidation of the laws in 1832, a provision was added that licenses to retail should not be granted in any town or township where the majority of the freeholders remonstrated against the granting of the same. The license fee was placed at from $25 to $200, whilst the penalty for allowing disorder was fixed at from $25 to $100. Under this Act, in 1842, the issuing of licenses was prohibited in twelve counties, whilst in sixteen other counties the fee was at the discretion of the board.

A prohibitory, or Maine law, was passed in 1855, but was repealed in 1858, after having been declared unconstitutional generally. A new license law was passed in 1859, which fixed the fee at $50, and contained several restrictive clauses. In 1861 this was amended by giving a remonstrant against a license the right to appeal and in 1873 a stricter license law was enacted, requiring a petition for license to be signed by a majority of the voters in the townships or wards, and the giving of a bond of $3,000, with penalty of forfeiture of license for violation of the act, and disqualification for five years. No fee for license "permit to sell," was required, beyond the cost of procuring it. This is virtually the law of to-day, except that fees have been added. These fees are applied to the school fund of the county, and are: For selling all liquors, $100; for vinous or malt liquors, or both, $50. No city may charge more than $250 additional, and no incorporated town more than $150 additional. The penalty for selling without a license is from $20 to $100, and the court may add imprisonment for from ten to thirty days. The license jurisdiction of a city extends two miles beyond the city limits.

The State Board of Health has to report annually what, in its best judgment, is the effect produced on the industry, health and lives of the people by the use of liquor.

The strictest prohibition is enforced in regard to the territories inhabited by the Cherokes, Chickasaw and Choctaw nations of Indians.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime are available:—

| — | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 2,192,404 | ..... | 1,978,301 | ..... |
| Prisoners in penitentiaries | 1,416 | 0·65 | 1,238 | 0·63 |
| Prisoners in county jails | 464 | 0·21 | 289 | 0·15 |
| Paupers in almshouses | 2,927 | 1·33 | 3,052 | 1·54 |
| Inmates of juvenile reformatories | 636 | 0·29 | 463 | 0·23 |

## ILLINOIS.

A letter from the secretary of the Governor of this state will be found in Appendix No. 76.

This state is under license and local option.

The county board of each county may grant as many licenses to sell by retail as they may think the public good requires, upon the application by petition, signed by a majority of the legal voters of a town, or, if not under township organization, then of a majority of the legal voters of the electoral district where the place proposed to be licensed is located. The fee for such license shall not be less than $50 nor more than $300. The board is not to issue a license in or within two miles of any incorporated town, city or village in which the corporate authorities have authority to regulate, or in any place where the sale of liquor is prohibited.

A fee of not less than $150 is collected for selling malt liquors. Any person having such license who is convicted of selling other liquor is liable to fine or imprisonment, or both (and may be proceeded against summarily for the fine), and a "conviction under this section shall forfeit the license held by the defendant, and the court rendering judgment upon such conviction shall, in such judgment, declare a forfeiture of such license.

"Any license may be revoked by the county board whenever they shall be satisfied that the person licensed has violated any of the provisions of this Act, or keeps a disorderly or ill-governed house, or place of resort for idle or dissolute persons, or allows gambling in his dram-shop, or any house or place adjacent thereto."

Every licensee must enter into bond in $3,000, with two sureties, being freeholders in the same county, that he will pay to all persons all damages that they may sustain, either in person or in property or means of support, by reason of his selling or giving away any intoxicating liquors.

Anyone selling or giving liquor to, or procuring for, a minor without the written order of his parent, guardian or family physician, or to any person intoxicated, or in the habit of getting intoxicated, is liable to a fine and imprisonment.

Any keeper of a dram-shop were liquor is retailed in less quantities than one gallon, who sells without a license, is liable to a fine of from $20 to $100, or imprisonment for ten to thirty days, or both.

Places where liquor is sold in violation of the Act are declared to be common nuisances. The keeper, on conviction, is subject to fine, and imprisonment of from twenty to fifty days, "and it shall be part of the judgment, upon the conviction of the keeper, that the place so kept shall be shut up and abated until the keeper shall give bond, with sufficient security to be approved by the court, in the penal sum of $1,000, payable to the people of the state, on condition that he will not sell intoxicating liquors contrary to the laws of the state, and will pay all fines, costs and damages assessed against him for violation thereof."

The penalty for drunkenness is a fine not exceeding $5, and, on subsequent conviction, not exceeding $25. The fine may be remitted in whole or in part, if the public welfare and the good of the offender require it.

The ordinances of the city of Chicago make provision for the licensing of dram-shops.

Licenses are required to be granted by the mayor to persons furnishing satisfactory evidence of good character, and entering into a bond of $500, with two sureties, to observe the ordinances and keep closed on Sunday all doors opening on the streets. The license fee is $500. The separate beer licenses have been abolished. Licenses are not to be granted in any prohibited area which becomes annexed to the city. Any license may be revoked by the mayor when the licensee has violated any of the ordinances or conditions of his bond. Licensed places are required to be closed from midnight to 5 a.m. One per cent of the license fees is given to the police and firemen's relief fund. Ten per cent goes to the Washingtonian Home, Chicago.

During the past two years (prior to 1893) the license fee in Chicago has been raised twice, from $52 to $103, and then to $500.

Local option is exercised through the general law of the state, which gives local authorities of incorporated cities and villages power to "license, regulate and prohibit the liquor traffic." The law also enables each county board, as regards so much of the county as is not included in an incorporated place, to grant licenses on a petition from a majority of the voters of the district. The law is thus one of local option, exercised in the towns by the municipalities and in the rural districts by popular vote. In the latter case, the option is one to be exercised affirmatively, licenses not being issuable until the decision of the majority has been given in favour of their issue.

The following is a summary of the law:—

City councils and boards of trustees in villages have power to license, regulate and prohibit the selling or giving away of intoxicating liquors, subject to the general law of the state, and to punish the selling or giving to minors, insane, drunkards, or intoxicated persons.

A penalty is provided, not exceeding $1,000, or imprisonment not exceeding one year, or both, for adulterating liquor intended for drink with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel waters, logwood, brazil wood, cochineal, sugar or lead, or any other susbtance which is poisonous or injurious to health.

A fine not exceeding $200 is enacted for keeping open on Sunday any place where liquor is sold or given away.

It is claimed that the number of saloons throughout the state has been reduced under the high license system from 13,000 to 9,000, with the advantages of a revenue raised from $700,000 to $4,500,000.

It is claimed that 26 towns in the state are under prohibition, but none have a population exceeding 6,000. Some of the towns, after closing the saloons for a time, have reverted to license.

The following figures are taken from the annual police report:—

CHICAGO.

| —— | 1883. | 1884. | 1885. | 1886. | 1887. | 1888. | 1889. | 1890. | 1891. |
|---|---|---|---|---|---|---|---|---|---|
| Population..... | 594,334 | 629,985 | 667,787 | 703,817 | 753,100 | 802,651 | 931,200 | 1,099,850 | 1,200,000 |
| Total arrests..... | 37,187 | 39,434 | 40,998 | 44,261 | 46,505 | 50,432 | 48,119 | 62,230 | 70,550 |
| Arrests for drunkenness..... | 18,218 | 23,080 | 25,407 | 26,067 | 27,632 | 31,164 | 27,536 | 37,063 | 41,463 |
| *Ratio per 1,000 of population.* | | | | | | | | | |
| Total arrest..... | 62·57 | 62·59 | 61·39 | 62·88 | 61·75 | 62·83 | 51·67 | 56·58 | 58·87 |
| Arrest for drunkenness..... | 30·65 | 36·63 | 38·43 | 37·03 | 36·69 | 38·82 | 29·98 | 33·39 | 34·52 |

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime are available.

ILLINOIS.

| — | 1890. | | 1880. | |
|---|---|---|---|---|
| Population | 3,826,351 | ..... | 3,077,871 | ..... |
| Convicts in penitentiaries | 2,057 | 0·54 | 1,838 | 0·60 |
| Prisoners in county jails | 727 | 0·19 | 686 | 0·22 |
| Paupers in almshouses | 5,395 | 1·41 | 3,684 | 1·20 |
| Inmates of juvenile reformatories | 383 | 0·10 | 217 | 0·07 |

MASSACHUSETTS.

In a communication sent to the Commission by order of the Governor of the commonwealth of Massachusetts, it is stated:—

"The legislature of this state enacted in 1860 (?) a prohibitory law, and provided for the appointment of a special police force for its enforcement. In 1869 the law was changed, giving authority to cities and towns to appoint agents to sell spirituous and intoxicating liquors of pure quality. In fact, from the year mentioned, the several legislatures have amended certain provisions of the law." (Appendix 76.)

In the year 1852 a prohibitory law, which was practically a copy of the original Maine law, was passed by the state of Massachusetts. In 1855 a new prohibitory law was enacted, changing the penalties imposed by the law of 1852 and elaborating that Act. This law was repealed in 1868, and restored in 1869. In 1865 a state police force was created for the purpose of suppressing liquor shops, gambling places and houses of ill-fame. In 1870 an amendment to the prohibitory liquor law was made, authorizing anyone to manufacture and sell ale, porter, strong beer and lager beer. In 1873 this amendment was repealed. In the fall election of 1874 the popular vote appears to have been against the prohibitory law and the maintenance of the special constabulary force, and both were abandoned, and a license system was again resorted to. In 1881 the license system was supplemented by a local option enactment. In the year 1882 a bill for the restoration of the prohibitory law was defeated in the House of Representatives by the casting vote of the Speaker. In March, 1889, it was resolved to submit a proposed amendment to the constitution of the state, prohibiting the manufacture and sale of intoxicating liquors for use as a beverage, to the people of the state. A vote was taken in April, 1889, and the proposed amendment was rejected by a majority of about 46,000.

Under the law of 1869, cities and towns had the right to appoint agents to sell spirituous and intoxicating liquors of pure quality, for other than beverage purposes, and it was provided that licenses might issue for the manufacture for export, and also for the appointment of a state assayer of liquor.

In 1867 a Joint Special Committee of the Senate and House of Representatives was appointed to consider various petitions of nearly 35,000 legal voters, praying for the enactment of a law for the regulation of the sale of spirituous and intoxicating liquors, and the petition of the Massachusetts College of Pharmacy, asking for such alterations in the then existing law as would enable druggists and apothecaries to sell liquors for medicinal and certain other purposes, together with the various remonstrances from nearly 26,000 legal voters, the officers of many temperance organizations and conventions, and of 14,471 women and others, severally against the passage of a license law.

The committee appears to have consisted of five members of the Senate and nine members of House.

A majority, consisting of three members of the Senate and five members of the House, reported very strongly against the prohibitory law, and submitted a draft of an Act to regulate the sale of spirituous and intoxicating liquors.

A minority report, signed by one member of the Senate and three member of the House, was also submitted; and, accompanying it, was a draft of an Act to amend the then existing law, so as to provide for the appointment by a commissioner, under the direction of the Governor in Council, of as many agents, not exceeding fifty, for the purchase and sale of spirituous and intoxicating liquors in the city of Boston, for the purposes set forth in the then existing law, as he might consider to be in the interest of the citizens.

Mr. Frank B. Fay, a member of the Senate, made a separate report, and submitted the drafts of two bills; the one was an Act to empower druggists and apothecaries to sell alcohol, spirits and wines for medicinal purposes, if they should keep registers and be subject to the penalties prescribed in the then existing law for any illegal sale; the second was an Act concerning a state liquor commissioner and a state assayer. Mr. Fay starts upon the assumption that it is impossible entirely to prevent by law the sale, use and abuse of spirituous liquors as a beverage, quoting ex-Governor Washburn as having said: "It is idle to think of enforcing it (the prohibitory law) in our large cities and towns by means of the few civil officers known to the law. Against the passions, the appetites and the cupidity of the thousands who will be found active, busy and united in opposing it, these officers will be powerless." Mr. Fay considered it inadvisable to make any changes in the law of the state beyond those he recommended in regard to druggists, the commissioner and the state assayer.

Mr. Sherman (another member of the committee) stated that in most of the smaller towns of the state the existing prohibitory law, or the license law in connection therewith, would suppress the sale of liquor, and that the question under consideration related only to the cities and large towns, and he expressed his conviction that it was desirable to have the experience of another year before changing the law, in order to determine what effect some recent decisions of the United States court, and an increase in the state constabulary force, would have. "If," Mr. Sherman said, "the experience of another year should prove the present law a success, no friend of total abstinence can, with reason, ask for a license law; and then it will remain to be seen whether public sentiment will sustain prohibition enforced, as well as prohibition in theory only. If, however, it is not successful, and successful not merely by fitful efforts, attended with no permanent effect, not merely by closing particular places of sale, *but by stopping the sale, and the drinking:* if it shall be found still to work the manifest injustice of seizing the liquors of certain individuals and closing up certain places of sale, while other places of larger traffic are not interfered with, but with special favouritism are allowed to continue to sell, with great increase of business,—then the present law ought to be regarded as a failure, and a license law, like that proposed in the majority report, meet with general favour."

Those signing the minority report held that the states had the power, in "the exercise of that great conservative right of self-preservation," to pass laws restraining or wholly prohibiting the sale of articles of commerce which were found to be productive of irreparable injury to the community, and if there was a beneficial and injurious use which might be made of such articles, it was beyond all controversy that the state will permit the first and prohibit the latter. They quoted a statement not infrequently made, that men cannot be made moral by an Act of the legislature, but held that it was clearly within the legitimate scope and duty of legislation to guard against the corruption of morals. "If," says the minority, "men cannot be made moral and good by legislation, the legislation has at least the power and the right to forbid and punish a traffic which uniformly makes men criminal and vicious. And it is on this ground that the law forbids and punishes, with heavy penalties, the sale of intoxicating liquors as beverages. It is not simply because alcohol is a poison, or that its use as a beverage is an *immorality*, that the traffic in it is forbidden for such purpose, but for the reason that the traffic,

resulting in that use, produces a vast amount of crime, poverty, disease and general demoralization, followed by what would be otherwise unnecessary taxation to support the pauperism thus created, and to protect society from the disastrous consequences of crime thus occasioned." They endorse a statement made by an ex-governor of the state, who said, "I do consider the selling of liquors under licenses to be *a moral evil;* if I could prohibit the sale of these liquors as a beverage I would." They continue by saying: "The hope was expressed that the evil might be restrained or limited by licensing it. In other words, a vice or an evil is to be rendered less by throwing over it the protection and respectability which comes from governmental authority. Herein lies the fallacy of the whole license system. For since it has been declared by an older and higher law than any merely human enactment, that it shall never be lawful for individuals to do evil that good may come, it is impossible to see how an aggregation or society of men, acting under and through the forms of self-constituted government, can rightfully grant to any of their number licenses or indulgences for the doing of evil."

The majority of the committee strongly condemned the prohibitory law. They spoke of the measures which had to be taken to enforce it, the setting aside of the ordinary means by which other criminal laws were enforced, and pointed out that if the sale of intoxicating liquors was wrong, the purchaser, as well as the vendor, should be punished, and that if this course was resorted to, under the penalties to which the seller was liable, the result would be that, if the law was enforced, almost all the male population of the state would,at some time or other,be fined and imprisoned; that legislative records of the state showed that bills to punish the buyer of intoxicating liquor, equally with the seller, had repeatedly been rejected by almost unanimous votes.

The committee summed up in three propositions their statement of the defects in the theory of the prohibitory law:—

"1. It is not sinful nor hurtful in every case to use every kind of alcoholic liquors as beverages. It is not, therefore, wrong in every case to sell every kind of alcoholic liquors to be used as beverages. But this law prohibits every sale of every kind of alcoholic liquors to be used as beverages.

"2. It is the right of every citizen to determine for himself what he will eat and drink. A law prohibiting him from drinking every kind of alcoholic liquors, universally used in all countries and ages as a beverage, is an arbitrary and unreasonable interference with his rights, and is not justified by the consideration that some men may abuse their rights, and may, therefore, need the counsel and example of good men to lead them to reform. But this law does, in theory, prohibit him from drinking every kind of alcoholic liquors, since it prohibits every sale of every kind of alcoholic liquors to be used as a beverage.

"3. Finally, if the use should be totally prohibited, because it is either sinful or hurtful in all cases, or may be in some cases, the use should be punished. But this law punishes the sale, and does not punish the use."

The committee says further:—

"Upon careful inquiry into the present condition of things throughout the state, it would probably appear that in the small towns there is hardly any liquor sold, but that in all the large cities and towns it can be had without difficulty; that in most of them the sales are open, and that whenever by peculiarly vigorous efforts the open places are closed, large numbers of secret places are established, and the cases of drunkenness largely increased. The mere fact that the law seeks to prevent them from drinking rouses the determination to drink in many; the fact that the place is secret takes away the restraint upon them, which in more public and respectable places would keep them within temperate bounds. The fact that the business is contraband, and liable to interruption, and its gains hazardous, tends to drive honest men from it and to leave it in the control of dishonest, men who will not scruple to poison the community with vile adulterations. Another serious result in the operation of the present law is the immoral business practices which it has suggested and sanctioned. A man, without violating any law, may purchase liquors to the extent of his credit, and then repudiate the debt. Though the liquors as

articles of commerce are worth to him all he agreed to pay, the law permits him to hold them without making payment. Still further, a man may put all his property into liquors, and so escape the payment of any of his debts, for his liquors cannot be attached, as the officer will violate the law in selling them upon execution. They cannot be distrained for taxes even, for the Government officer is liable to prosecution if he sells. These attempts to outlaw a commercial article whose place in trade has been undisputed for centuries, have had no effect in preventing honest men from paying their debts, but they have held out temptations too powerful to be resisted by swindlers. It is unworthy of the good name of the commonwealth that her laws should protect and encourage a man who has bought merchandise, without violating the law, in refusing to pay the price thereof to the seller. It is unworthy of the state that dishonest men should be enabled to escape the payment of their debts by converting their property into liquors. It is not less unworthy that the state herself should, without compensation, seize and sell for her own benefit articles of merchandise which the citizen has brought in violation of no law."

The conclusions of the committee are summed up in the following paragraph:—

"The committee believe that the time has come when this prohibitory law, unsound in theory, inconsistent with the traditional rights and liberties of the people, tempting to fraud and protecting those who commit it, in many communities not enforced because of the thorough disbelief in its principles, in other communities, when enforced, driving the liquor traffic into secret places and so increasing, rather than diminishing, the amount of drunkenness and other crimes, should be so far modified as that the rights of the citizen will be respected, while, at the same time, the general peace and order of the community will be better promoted. Let the law cease to attempt to interfere arbitrarily with what a man shall drink, while, nevertheless, it places such regulations as experience has shown to be necessary over the persons who may make the sale and the times and places when and where the sales shall be made. Let it be regarded as a fact that the demand on the part of those who desire, wisely or unwisely, to use liquor as a beverage, has always been met, and always will be met by men who will sell, either under the law, or in defiance of the law, and that wise legislation should recognize and act upon that fact."

This somewhat lengthy statement of what took place in the State of Massachusetts prior to the abandonment of the prohibitory system, and the adoption of local option, is made simply to show how thoroughly the whole question was discussed before the prohibitory system was abandoned in that state.

The law of 1881 contained the following provision:—

"The aldermen and selectmen respectively shall insert in the warrant for the annual municipal election or town meeting, an article providing for a vote upon the question, Shall licenses be granted for the sale of intoxicating liquors in this city (or town)? The vote shall be by separate ballot; and the ballot shall be 'Yes' or 'No,' in answer to said question, and in taking said vote the check list shall be used. The clerk of each city or town shall, within thirty days after such vote is taken, transmit a true statement thereof to the secretary of the commonwealth; and shall annually, in November, make a return to said secretary showing the number of licenses of each class issued, the amount received for the same by classes, and the number revoked, if any."

The law also provided that the powers conferred upon the mayor and aldermen of cities should be exercised in the city of Boston by a board of police commissioners; and in any other city of the commonwealth said powers and duties might be exercised by a board of license commissioners, if the city council of such city so determined, such board to consist of three inhabitants of said city, to be appointed by the mayor and confirmed by the city council thereof, and to hold office until the first day of May next after their appointment, or until their successors were appointed and confirmed, they were to receive such compensation as the city council might determine.

The licenses established by this Act were:

First class.—To sell liquors of any kind to be drunk on the premises.

Second class—To sell malt liquors, cider and light wines, containing not more than 15 per cent of alchol, to be drunk on the premises.

Third class.—To sell malt liquors and cider to be drunk on the premises.

Fourth class.—To sell liquors of any kind not be drunk on the premises.

Fifth class.—To sell malt liquors, cider or light wines, containing not more than 15 per cent of alcohol, not be drunk on the premises.

Sixth class.—Licenses to druggist and apothecaries to sell liquors of any kind for medicinal, mechanical and chemical purposes only, and to such persons only as may certify in writing for what use they want it.

This Act also provided (section 14), that "The treasurer of a city or town shall pay to the treasurer of the commonwealth one-fourth of all moneys received by him for licenses within one month after he receives the same."

The Act further provided that the Governor, with the advice and consent of the Council, shall annually appoint and commission a competent person as an inspector and assayer of liquors.

In 1888 it was enacted (section 1) that "In all towns and cities which vote to grant licenses of the first five classes described in section ten of chapter one hundred of the public statutes, to sell intoxicating liquors, the number of places licensed for the sale of such liquors shall not exceed one for each one thousand of population, as ascertained by the last preceding national or state census, except that in the city of Boston one place may be licensed for each five hundred of the population. No more than one such place may be licensed by any one vote of the licensing board; such licenses shall be numbered in regular order as granted and any licence contrary to, or in excess of the provisions of this Act shall be void; provided that, in towns having an increase of resident population during the summer months, the selectmen may, during the month of June, cause a census to be taken, and may grant one such license for each five hundred of said resident population, as ascertained by said special census, to take effect on the fifteenth day of June and to expire on the fifteenth day of September following; but no such license shall be granted unless the town at its last annual town meeting votes 'Yes' in answer to the question, 'Shall licenses for the sale of intoxicating liquors be granted in this town?'

"The foregoing section shall not prevent the licensing of one place in any town voting for license whose population is less than one thousand (Section 2)."

By section 2, chapter 139, it was enacted;

"The fees for licenses shall be as follows:—

"For a license of the first class, not less than one thousand dollars.

"For a license of the second or third class, not less than two hundred and fifty dollars.

"For a license of the fourth class, not less than three hundred dollars.

"For a license of the fifth class, not less than one hundred and fity dollars.

"For a license of the sixth class, one dollar.

"No license shall be issued until the license fee has been paid to the treasurer of the city or town by which it is to be issued, and until he has received a satisfactory bond, payable to him as such treasurer, in the sum of one thousand dollars, signed by the licensee and sufficient surety or sureties, who shall be jointly and severally liable, and conditioned for the payment of all costs, damages and fines incurred by violation of the provisions of this chapter. Separate suits may be brought on such bond by any persens at their own expense. Such bond, after approval, shall be filed in the office of the city or town clerk, and may be sued in any court having jurisdiction under the provisions of this chapter; and a certified copy thereof shall be admissible in evidence, and shall have the same force and effect as the original bond would have if offered in evidence. No bond given under the provisions of said chapter shall be accepted or approved until each surety has made and subscribed a sworn statement that he is worth not less than two thousand dollars, over and above all liabilities and indebtedness, the statements so made shall designate sufficient property, real or per-

sonal, to cover the requirement of the bond, and shall be kept on file with the bond in connection with which said statement is made." *

Upon the recommendation of the board of commissioners of prisons, the legislature of the commonwealth passed an Act (chapter 356), which came into force on the first day of July, 1891. Under this Act the justice of each municipal or police district court was required to appoint one person to perform the duties of "probation officer." In Boston the appointment was to be made by the chief justice of the municipal court. The officer so appointed was to hold his office during the pleasure of the court. He was not to be an active member of the regular police force, but was, in the execution of his duties, to have all the powers of police officers. Each probation officer under the Act was required to inquire into the nature of every criminal case brought before the said court under whose jurisdiction he acted, and he could recommend that any person convicted by the said court should be placed upon probation. The court could place such person so convicted in the care of the said probation officer for such time and upon such conditions as the judge thought proper. The person released upon probation was to be furnished with a written statement of the terms and conditions of his release, and the probation officer was required to keep full records of all cases investigated and all cases placed in his care by the court.

The following is a copy of section 7 of the law:—

"A probation officer may, at the request of any justice of the superior court, investigate the case of any person on trial in that court, and make a report upon the same to said justice, and may, upon the order of the court, take on probation any person convicted in said court; the compensation for such services shall be paid from the treasury of the commonwealth upon vouchers approved by said justice. The officers appointed under this act may also perform the services of probation officers named in sixty-nine of chapter two hundred and twenty of the public statutes, and for said services may recieve such compensation as the county commissioners or the commissioners of public institutions, as the case may be, shall approve."

An Act passed in the same year, and coming into effect also on the first day of July, specially related to the punishment of drunkards, provided, that anyone found in a state of intoxication in a public place might be arrested without warrant, and kept in custody in some suitable place until he recovered from his intoxication. That any person so arrested might make a statement in writing to the officer in charge of the place of custody, declaring that he had not been arrested for drunkenness twice before within twelve months next preceding, or having been arrested, he had been tried and acquitted in one of the cases. The statement to contain a request to be released from custody. The officer being satisfied with the statement, was authorized to release the person arrested from custody, pending investigation.

If the arrest was made within the jurisdiction of a court having a probation officer, the statements and requests so made were then to be referred to the probation officer for investigation, who was to endorse thereon, over his own signature, for the use of the court, a statement as to the truth or falsity thereof. If the said investigation sustained the truth of the said statement, the court thereupon might direct that such person might be released from custody without being brought into court, if he had not been already released, and no further action was to be taken. If, on the other hand, it should appear to the probation officer that the statement was untrue, it was his duty to notify the officer who made the arrest, who would then make a complaint against the said person for drunkenness. If the case was within the jurisdiction of a trial justice (and there was no probation officer), he was to make such enquiries as he thought necessary, and he was empowered to release the person from custody without bringing him into court, if he was satisfied the said complaint was false. The officers making the arrests under such conditions were not to be liable for damages for illegal arrest or imprisonment, if the person arrested was released from custody upon his own request, as provided in the act. No one was to be released unless he preferred such request to the officer making the arrest.

* Liquor laws of the United States, pp. 36-37.

The following is a copy of section 5 of the Act:—

"If a male person is convicted of drunkenness by the voluntary use of intoxicating liquor, he may be punished by imprisonment in the jail, or in any place provided by law for common drunkards, for not more than one year, or in the Massachusetts reformatory, as provided by chapter three hundred and twenty-three of the acts of the year eighteen hundred and eighty-six. If a female person is so convicted, she may be punished by imprisonment in the jail, or in any place provided by law for common drunkards, for not more than one year, or in the reformatory prison for women for not more than two years; provided, however, that if the person so convicted shall satisfy the court or trial justice, by his own statement or otherwise, that he has not been arrested for drunkenness twice before within the twelve months next preceding, or that having been so arrested, he has been tried and acquitted in one of the cases, his case may be placed on file."

The Act provides that the superintendent of houses of industry, etc., etc., should furnish all information, on application, to the probation officers. This Act repealed previous acts which imposed fines as penalties for drunkenness; thus the power of the judges to impose any other penalty than imprisonment for drunkenness was removed.

The effect of the enactment of this law upon the commitments for drunkenness was referred to in the following terms by the commissioners of prisons in their report for the year ended 30th September, 1891:—

"The Legislature of 1891 passed an Act relating to the punishment of drunkenness; this has materially affected the number of commitments to the jail and houses of correction, and to the Boston house of industry since the first of July last. In the county prisons the number of commitments has been reduced, but the population has increased, in nearly all cases, owing to the fact that the fine as a punishment for drunkenness has been abolished, and all sentences are now for a stated term, which, in most cases, is much longer than the usual thirty days for which prisoners committed for non-payment of fine and costs were held under the old law."

In their report for 1892 the commissioners also referred to the matter. (Page 287). They say:—

"The large falling off in the number of cases begun in the lower courts has already been noticed, but it is proper to say that, inasmuch as the decrease is altogether owing to the change in the law for the punishment of drunkenness, as contained in chapter 427 of the Acts of 1891, the amount of work to be performed by the clerks of the courts has not in the slightest degree lessened by the decrease in the number of cases; on the contrary, in some courts the work of the clerks has been very much added to by the requirements of that Act that the clerk shall keep a record of each case in which a person is released from custody without being brought into court. One clerk of a court in Suffolk county reports more than 2,300 cases recored by him under section 4 of that act. If all such cases were included in the returns, the number for 1892 would be greater than in any other year named in the table." And the commissioners recommended that the Act of 1891 should be amended, so that the probation officers might be relieved of the duty of investigating the statements made to the police by persons arrested for drunkenness. They state that, "Unless such a change is made, the courts cannot give the probation law a fair trial."

Mr. Pettigrove, the secretary of the commissioners of prisons, in his evidence before this Commission stated: "The probation system was introduced into our courts in Boston by some charitable persons who believed that some boys, young men and young girls might be reformed and corrected without being subjected to the dangerous influences of a prison. The first probation officer was appointed by the board of aldermen in Boston to act in the municipal court of the city. Then came after that a statute passed in 1880 which provided that the mayor and aldermen of a city, or the selectmen of a town, could appoint a probation officer. Under that Act the chief of police in places outside of Boston usually performed the duty of probation officer, but the system was not carried on very well, and in 1890 we

With the compliments of the

Honourable the Secretary of State.

& E. F. Clarke

Commissioner

made an investigation to ascertain how many of the cities had appointed a probation officer and we found there were only 49. Then we went to the legislature for this new law, * * * that provides, "that the justice of each municipal court shall provide a probation officer to inquire into every case brought before the court where he is, that is that he find out what the circumstances of the offender are, and make his report to the court. If the court thinks that the interest of the community will warrant it he puts the boy on probation. That is to say, he convicts him of the offence and he says, "Now I am going to place you in charge of the probation officer for six months, or for nine months or for twelve months." If he finds from the report of the probation officer that there is reason to believe that the boy can be reformed without being sent to prison, and that the interests of the community will not suffer, he puts the boy in charge of the probation officer. The custom is that the probation officer shall become security for his appearance at some date specified by the court. He is released on certain conditions, and one of the conditions is that he shall report regularly to the probation officer. Whenever he violates any of these conditions, the probation officer can surrender him at any time to the court." (Q. 9297*b*.)

"And with regard to drunkenness?—The probation officer, as a special duty, inquires into their statement. The probation officer takes the statement signed by the man who is under arrest, and makes a report as to the truth of it. (Q. 9299*b*.)

"If the statement made by the offender is found to be true is he allowed to go without appearing before the court?—He would be, up to the first of July of this year (1893), but on the first of July that was changed. Now he can be released without going to court, but he cannot be released without the order of the court. Under the old law the police officer could release him when the report of the probation officer was made, but under the present law there has to be an order of the court. For instance, if a police officer got an old rounder into his custody, and the man made a statement that he had not been arrested twice before within twelve months, and the probation officer made a report that it was true, the police officer must released him.

"There was no fine?—There was no fine or any further action to be taken if the statement was true, but at present the court may direct his release without bringing him into court.

"What is done in a case when probation officer finds the statement of the offender to be untrue?—If he finds the statement to be untrue he notifies the police officer to that effect, and it becomes the duty of the officer to make a complaint against the prisioner for drunkenness, and if he has been let loose he must be arrested again. There is a feeling that it is an unwise provision of the law of 1891 which gives to the police officer power to release." (Q. 9301*b*–9303*b*.)

Mr. Pettigrove proceeds to say that the law of 1891 abolished fines for drunkenness. That the courts had no power to impose a fine for two years, from the first of July, 1891, to the first of July, 1893; but that since the 1st of July, 1893, the court may impose a fine upon any person who has been twice before arrested, within twelve months. He may be fined a sum of not exceeding $10, and, failing payment, may be imprisoned for 30 days. He stated that the system had not much effect upon the present population of the jails; that the commitments for drunkenness, although fewer, had usually been for longer terms. Quoting his own language "the sentences have been longer, so that the prisoners have been kept up the same as before, and the procession has been going on, in and out, all the time." (Q. 9305*b*–9308*b*.)

There was a large increase in the number of arrests in 1892, and at the same time a large reduction in the number of commitments to prison for drunkenness, the causes of which are explained in the evidence given by Mr. Whiting, chairman of the police commissioners of Boston, and Mr. Pettigrove. The releasing, under the law of 1891, of a very large number of those arrested without bringing them before the courts, reduced the numbers committed to jail, because of those who previously came before the courts, a large number were fined, and being unable to pay their fines, were sent to jail. (Q. 9320*b*–9371*b*.) On the other hand, the police officers, by the system being to a large extent relieved from attending the courts to

give evidence against offenders, were less reluctant to make arrests, added to which the establishment of an efficient patrol and telephone system, by which the officers were enabled to send prisoners to the police stations, without having to accompany them through the crowded streets of the city, incurring the risk of being assaulted, led to greater efficiency in making arrests. (Q. 9372*b*.)

Mr. Whiting expressed the opinion that there was more drunkenness when the city was underthe prohibitory law then there is under the present system. (Q. 9374*b*).

Probably in no State of the union has so much attention been given to the collection of information in regard to crime, or to the elaboration of statistical data bearing upon social and economic questions, as in the state of Massachusetts; it is, nevertheless, a fact that this very elaboration has rendered the work of making sound deductions in many instances most difficult, and conclusions not a little uncertain, at least in the matter of the statistics of crime and the relation of those to the legislation of the state upon the liquor traffic. Most admirable reports are printed annually of arrests and commitments throughout the state, and of the population in the various institutions for the punishment and correction of offenders. It has, however, to be borne in mind, in comparing the general results of one period with those of another, that, "you have now six or seven classes of offenders where you had previously only three." (Q. 9335*b*). So many have been the changes that it has been said the legislature of the state has made the creation of offences a state industry, and, further, that the methods of dealing with those offending have, from time to time, been changed.

Mr. Pettigrove has superintended the compilation of many of the annual reports of the board of prison commissioners, and is thoroughly conversant with the laws relating to the liquor traffic and their administration. He is in principle a prohibitionist, and thinks the system has advantages over the license system, but admits that "there was drunkenness under prohibition, and that was apparent to any one in the community; but whether there was as much drunkenness under the prohibitory law as there is under the license aw, is still an open question." His personal opinion is that there was not, but hadeds in another part of his evidence, "I do not think it is possible to prohibit the sale of liquor to persons who have acquired the habit and want it. I believe they will get it under any system." And further, "It is a difficult matter to reform a man by statute. As I say, a man who is disposed to drink will get liquor under any system. They always get liquor under the prohibitory law. They get it in Maine, although in the town where I was born and brought up in Maine, there was no liquor sold. It was in Calais. When I was a boy and saw a man staggering through the street, it was just as good evidence that he had been across the river to St. Stephens as if we had the testimony of a decent witness." He considered that the present law worked very satisfactorily. Under it, he said, a single property-owner within 25 feet of a place proposed to be licensed, could, by making an objection, prevent such license being issued. He stated that the present system of statistics did not cover the prohibition period, and for that period they were only obtainable from the returns of prosecutions.

The prison commissioners caused the returns for the year 1891 and 1892 to be dissected, and the *arrests* in cities separated from those made in towns. The following is the result; the ratio per 1,000 being added by this Commission:—

| | Population 1890. | Drunkenness. | | Other offences. | | Total. | | Year. |
|---|---|---|---|---|---|---|---|---|
| | | Total. | Ratio per 1,000. | Total. | Ratio per 1,000. | Total. | Ratio per 1,000. | |
| In cities ..... | 1,372,300 | 51,093 | 37·23 | 24,508 | 17·78 | 75,601 | 55·09 | 1891 |
| do ..... | 1,372,300 | 65,853 | 47·98 | 28,314 | 20·65 | 94,167 | 58·61 | 1892 |
| In towns..... | 866,643 | 5,419 | 6·25 | 6,094 | 7·03 | 11,513 | 13·28 | 1891 |
| do ..... | 866,643 | 4,829 | 5·5 | 9,204 | 10·62 | 14,033 | 16·19 | 1892 |

The population in towns is, of course, much smaller than in cities, and in many of them no licenses are issued. The population is that given in the United States census returns (1890) and adopted in the commissioners' reports; but it was doubtless in many of both the cities and towns larger in 1891 and 1892 than in 1890. The increase in the population of the state between 1885 and 1890 was 15·3 per cent. Of the increase in arrests for drunkenness in cities between 1891 and 1892, in round figures, 15,000, the city of Boston contributed about 8,000; and of the increase in arrests for other offences, in round numbers, 4,000, Boston contributed 25 per cent.

In the year ended 30th September, 1891, the number of convictions for all offences in the state of Massachusetts was 58,372. Taking the population as shown in the United States census on the 30th June, 1890, namely, 2,239,000, the ratio of convictions is 26·07 per 1,000. In Canada, in the same year, the convictions were 7·75 per 1,000. The convictions for drunkenness are not given separately in the Massachusetts returns.

The following table shows the *arrests* of all kinds in the State of Massachusetts from 1886 to 1892:—

| Year. | Population. | Drunkenness. | Ratio per 1,000 of Population. | Other offences. | Ratio per 1,000 of Population. | Total. | Ratio per 1,000 |
|---|---|---|---|---|---|---|---|
| 1886 | 2,001,376 | 35,402 | 17·68 | 25,938 | 12·96 | 61,340 | 30·69 |
| 1887 | 2,062,417 | 41,456 | 20·10 | 26,235 | 12·67 | 67,691 | 32·08 |
| 1888 | 2,125,320 | 48,153 | 22·65 | 28,084 | 13·21 | 76,237 | 35·87 |
| 1889 | 2,190,142 | 53,158 | 24·27 | 29,958 | 13·67 | 83,116 | 37·67 |
| 1890 | 2,239,000 | 52,814 | 23·58 | 28,030 | 12·51 | 86,844 | 38·78 |
| 1891 | 2,306,100 | 56,512 | 24·50 | 30,602 | 13·27 | 87,114 | 37·77 |
| 1892 | 2,375,200 | 70,682 | 29·76 | 37,518 | 15·79 | 108,200 | 45·55 |

The following figures are taken from the reports of the prison commissioners of the state for the years 1891 and 1892. They show that, taking periods of ten years, the largest number *committed* to prison for *drunkenness* were of the ages from 31 to 40 in 1891, and 21 to 30 in 1892:—

| Age. | 1891. | 1892. |
|---|---|---|
| From 12 to 20 years of age | 612 | 280 |
| " 21 " 30 " | 6,380 | 2,812 |
| " 31 " 40 " | 6,422 | 2,665 |
| " 41 " 50 " | 4,034 | 1,800 |
| " 50 upwards | 2,346 | 1,077 |
| | 19,794 | 8,637 |

Combining all offences, the largest numbers were in the period between 21 and 30 years of age both in 1891 and 1892.

In the class committed for drunkenness the reports show that there were, in 1891, 12,200, out of a total of 19,794, who had been previously committed. Of these 12,200, over 5,000 had been committed from six to fifty times and upwards. In 1892, 5,358, out of a total of 8,634, had been previously committed for the same offence, and of these 5,358, 1,960 had been committed from six to fifty times and upwards.

The commissioners, in their report for the year ended 30th September, 1892, remark :—

"The fact that 185 prisoners, whose ages range all the way from sixteen years to fifty, were committed (to the reformatory) for drunkenness during the year, leads us to call the attention of the general court to the unadvisability of sentencing persons for that offence to this institution. If the prisoner is a confirmed drunkard, who has been repeatedly sentenced to the house of correction, it seems to be a waste of time to commit him to the reformatory; if he is a young man whose only offence is that of drunkenness, it seems to be unwise to expose him to the influences of a prison for criminals for the purpose of attempting his reformation. It would undoubtedly be far better for the state if the persons who are repeatedly committed could be imprisoned in a workhouse, where they would be compelled to earn their own living. Unfortunately a large number of this class of drunkards have also the vagrant disposition, and might as properly be committed for tramping as for drunkenness. It would seem to be in the interest of good public policy to make the attempt to reform and correct the younger drunkards without subjecting them to the dangers already referred to."

The following table shows the commitments to prisons in the state of Massachusetts from 1881 to 1892, inclusive :—

| Year. | Population. | Offences against the person. | Offences against property. | Against public order, etc. | Total commitments. | Ratio per 1,000 of population. | Drunkenness. | Ratio per 1,000 population. |
|---|---|---|---|---|---|---|---|---|
| 1881 | 1,814,823 | 1,686 | 2,223 | 2,223 | 17,062 | 9·45 | 10,930 | 6·02 |
| 1882 | 1,847,126 | 1,691 | 2,283 | 2,122 | 22,865 | 12·37 | 16,769 | 9·07 |
| 1883 | 1,880,004 | 1,660 | 2,352 | 2,259 | 24,125 | 12·83 | 17,854 | 9·47 |
| 1884 | 1,913,400 | 1,833 | 2,639 | 2,705 | 26,739 | 13·97 | 19,564 | 10·22 |
| 1885 | 1,942,141 | 1,879 | 2,918 | 3,153 | 26,651 | 13·72 | 18,701 | 9·62 |
| 1886 | 2,001,376 | 1,771 | 2,448 | 3,258 | 25,458 | 12·72 | 17,981 | 8·98 |
| 1887 | 2,062,417 | 1,651 | 2,449 | 2,773 | 26,825 | 13·00 | 19,952 | 9·67 |
| 1888 | 2,125,320 | 1,754 | 2,491 | 3,031 | 30,683 | 14·43 | 23,407 | 11·01 |
| 1889 | 2,190,142 | 1,888 | 2,779 | 3,548 | 34,094 | 15·56 | 25,879 | 11·81 |
| 1890 | 2,238,943 | 1,821 | 2,547 | 3,242 | 33,290 | 14.86 | 25,680 | 11·42 |
| 1891 | 2,306,100 | 1,799 | 2,762 | 3,440 | 27,795 | 12·05 | 19,794* | 8·58 |
| 1892 | 2,375,200 | 2,195 | 2,899 | 4,133 | 17,861 | 7·52 | 8,634* | 3·63 |

*The commitments for drunkenness were reduced by the change in the law for the punishment of that offence. (See evidence of Mr. Pettigrove and Mr. Whiting, pp. 737-748).

N.B.—In 1890 the population is taken from the U. S. census returns; in other years it is estimated.

The commitments to prisons for the whole Dominion cannot be given accurately but those for the province of Ontario are published annually, and per 1,000 of the population they compare as follows with those of Massachusetts :—

| Year. | Massachusetts. | | | Ontario. | | |
|---|---|---|---|---|---|---|
| | Population. | For all offences. | Drunkenness. | Population. | For all offences. | Drunkenness. |
| | | Per 1,000 of population. | Per 1,000 of population. | | Per 1,000 of population. | Per 1,000 of population. |
| 1882 | 1,847,126 | 12·37 | 9·07 | 1,944,889 | 4·94 | 1·79 |
| 1883 | 1,880,004 | 12·83 | 9·49 | 1,963,016 | 5·03 | 1·98 |
| 1884 | 1,913,400 | 13·97 | 10·22 | 1,981,311 | 6·09 | 2·34 |
| 1885 | 1,942,141 | 13·72 | 9·62 | 1,999,777 | 5·71 | 1·84 |
| 1886 | 2,001,376 | 12·72 | 8·98 | 2,018,415 | 5·27 | 1·76 |
| 1887 | 2,062,417 | 13·00 | 9·67 | 2,037,227 | 5·40 | 2·05 |
| 1888 | 2,125,320 | 14·43 | 11·01 | 2,056,214 | 6·05 | 2·16 |
| 1889 | 2,190,142 | 15·56 | 11·81 | 2,075,378 | 6·03 | 2·31 |
| 1890 | 2,238,943 | 14·86 | 11·42 | 2,094,721 | 5·63 | 2·18 |
| 1891 | 2,306,100 | 12·05 | *8·58 | 2,114,321 | 4·92 | 1·70 |
| 1892 | 2,375,200 | 7·52 | *3·63 | 2,134,026 | 4·22 | 1·28 |

*The commitments for drunkenness were reduced by the change in the law for the punishment of that offence. (See evidence of Mr. Pettigrove and Mr. Whiting, p. p. ).

N.B.—For Massachusetts, in 1890 the population is taken from U. S. census returns, in other years it is estimated ; for Ontario, the population is taken from census returns for 1891, and estimated for other years.

If the total convictions in Canada are taken, they compare as follows with the commitments to prison in the state of Massachusetts :—

| Year. | Per 1,000 of the population. | | | |
|---|---|---|---|---|
| | Canada : Convictions. | | Massachusetts : Commitments. | |
| | All offences. | Drunkenness. | All offences. | Drunkenness. |
| 1882 | 7·16 | 2·63 | 12·37 | 9·07 |
| 1883 | 7·58 | 2·89 | 12·83 | 9·49 |
| 1884 | 6·66 | 2·22 | 13·97 | 10·22 |
| 1885 | 7·52 | 2·49 | 13·72 | 9·62 |
| 1886 | 7·49 | 2·45 | 12·72 | 8·98 |
| 1887 | 7·49 | 2·53 | 13·00 | 9·67 |
| 1888 | 8·08 | 2·74 | 14·43 | 11·01 |
| 1889 | 8·17 | 2·94 | 15·56 | 11·81 |
| 1890 | 8·09 | 2·94 | 14·86 | 11.42 |
| 1891 | 7·78 | 2·69 | 12·05 | 8·58 |
| 1892 | 7·22 | 2·35 | 7·52 | 3·63 |

The following table shows the number of votes cast in the state for and against the issue of licenses, from 1888 to 1894, the number of the various classes of licenses granted, and the amounts received therefor:—

| Votes refer to the years | Shall licenses be granted? | | Licenses issued in the preceding year. | | | | | | | Amounts received for licenses. |
|---|---|---|---|---|---|---|---|---|---|---|
| | Yes. | No. | 1st class. | 2nd class. | 3rd class. | 4th class. | 5th class. | 6th class. | Revoked. | |
| | | | | | | | | | | $ cts. |
| 1888 | 109,988 | 117,188 | 2,530 | 244 | 20 | 1,989 | 179 | 704 | 44 | 1,034,103 00 |
| 1889 | 125,481 | 107,404 | 2,544 | 227 | 23 | 1,851 | 187 | 999 | 96 | 1,286,305 83 |
| 1890 | 108,894 | 114,550 | 1,168 | 102 | 4 | 914 | 89 | 983 | 13 | 1,812,810 00 |
| 1891 | 129,268 | 108,523 | 1,449 | 84 | 7 | 1,059 | 81 | 998 | 12 | 1,779,957 50 |
| 1892 | 119,191 | 127,123 | 1,389 | 92 | 21 | 1,244 | 75 | 1,136 | 36 | 2,224,196 42 |
| 1893 | 134,819 | 158,957 | 1,266 | 45 | 5 | 1,218 | 63 | 1,049 | 11 | 1,991,999 25 |
| 1894 | 147,812 | 147,108 | 1,206 | 44 | 1 | 1,081 | 64 | 1,019 | 15 | 1,922,105 25 |

It is, perhaps, unsafe to draw very decided conclusions from the arrests by the police in the different cities and towns in the state of Massachusetts, when comparing years in which no licenses have been granted with those in which the sale of liquor has been legalized. The changes from one system to another in some instances have been so rapid, and such small periods have intervened, that the no-license plan cannot, in some cases at any rate, have had a fair trial. The arrests in a number of cities have been obtained, and they, with the ratio per 1,000 thereof to the population, are set out in appendices Nos. 83 to 95. On the statements, the years in which no licenses were issued have been distinguished from those in which they were granted, and an examination of the figures will show that the arrests, as a rule, but not in all cases, were smaller in the years of no license than in those of license. But the ratio of arrests generally in Massachusetts is very largely in excess of the ratio in Canada. Malden, a place of 27,000 inhabitants, and where no licenses have been issued for several years back, has, as compared with other cities in the state, a low ratio of arrests; but it is not lower than the ratio in Quebec or Ottawa. The same remarks may be made in regard to Quincy, where the contest between the advocates of license and no-license has been carried on in a most belligerent manner, and apparently with success on the part of the no-license party. In both of these cities of Massachusetts the ratio of arrests has increased since 1889. Brocton, another no-license city, shows a much larger ratio of arrests than either Malden or Quincy. Cambridge is so near to Boston that the number of arrests there does not probably afford a safe basis for making comparisons. No licenses have been issued in that city for several years past, but the arrests for drunkenness have very largely increased since 1889.

On the question of drunkenness, the Hon. A. T. Whiting, chairman of the police commissioners of the city of Boston, was asked:—

"Do you think that there is more drunkenness now than there was when the previous law existed?" No, I cannot say that I think there is. * * * The number of assaults on constables under the present system has greatly decreased; it is not one in twenty-five of what it was under the old system.

"Can you remember the time when the city of Boston was under the prohibitory law?—Most decidedly I can. I remember it perfectly well, because I had a bar-room in operation then opposite my place of business, right under my nose. * * * I know how prohibition worked here; it was a perfect disgrace to Boston and to the state of Massachusetts. There was more intoxication here then than ever I remember before or since." (Q. 9372*b*–9574*b*.)

The commissioners of prisons in their report for the year 1893, in regard to the arrests in the state, show that the arrests in towns and cities for the year ended

30th September, were 107,632. As compared with the previous year, there was a decrease of 568, and that, although there were fewer arrests, taking all offences together, than in the preceding year, the total arrests for drunkenness numbered 995 more in 1893 than in 1892. The total arrests in cities show a slight decrease, and those in towns an increase, and the arrests for drunkenness show a slight decrease in cities, but a considerable increase in towns.

The commissioners say: "In the period from 1st July to 30th September, 1893, 14,653 persons were arrested for drunkenness, whereas, during the same period in 1892, there were 18,588 so arrested. As the falling off in the three months is so great it will be seen that the number of arrests for this offence from 1st September, 1892, to 30th June, 1893, must have largely exceeded the number for the corresponding period in the preceding year. It is very evident, therefore, that the effect of the law which went into operation on 1st July, has been to largely reduce the number of arrests for drunkenness, particularly in the cities."

The law under which the large number of cases of drunkenness were dealt with outside of the court was changed in July, 1893, as has already been explained. It is evident that the effect of this change has been to largely reduce the number of arrests for drunkenness, which in the three months ended 30th September, 1893, were over 21 per cent less than in the same period of 1892. This fact has to be borne in mind when considering the tables for arrests in the cities of the state of Massachusetts given in Appendices Nos. 83 to 95. For instance, Lawrence, which issued no licenses in 1893, shows a reduction in the number of arrests for drunkenness of 470 in the year. Of this reduction it appears that no less 358 took place between the 1st of July and the 30th of September, 1893. Again, Lynn, which issued no licenses in 1893, shows a reduction of 996 in the number of arrests for the year ended 30th September, 1893, as compared with 1892. Between the 1st of July and the 30th of September, 1893, the reduction was 557.

An analysis of the voting on the question of issuing licenses in 1892 shows the following result:—

| Places previously under license. | Population. | Voted. | | Places not previously under license. | Population. | Voted. | |
|---|---|---|---|---|---|---|---|
| | | Yes. | No. | | | Yes. | No. |
| Boston | 448,477 | 1 | ..... | New Bedford | 40,733 | 1 | ..... |
| Lowell | 77,696 | 1 | ..... | Worcester | 84,655 | 1 | ..... |
| Gloucester | 24,651 | 1 | ..... | Haverhill | 27,412 | 1 | ..... |
| Holyoke | 35,637 | 1 | ..... | Fitchburg | 22,037 | 1 | ..... |
| Newburyport | 13,947 | 1 | ..... | | | | |
| Springfield | 44,179 | 1 | ..... | | 174,837 | 4 | ..... |
| Northampton | 14,990 | 1 | ..... | | | | |
| North Adams | 16,074 | 1 | ..... | | | | |
| | | | | Cambridge | 70,028 | ..... | 1 |
| | 675,651 | 8 | ..... | Quincy | 16,723 | ..... | 1 |
| | | | | Everett | 11,068 | ..... | 1 |
| | | | | Malden | 23,031 | ..... | 1 |
| | | | | Marlborough | 13,805 | ..... | 1 |
| Lawrence | 44,654 | ..... | 1 | Medford | 11,079 | ..... | 1 |
| Salem | 30,801 | ..... | 1 | Newton | 24,379 | ..... | 1 |
| Fall River | 74,398 | ..... | 1 | Somerville | 40,152 | ..... | 1 |
| Taunton | 25,448 | ..... | 1 | Brocton | 27,294 | ..... | 1 |
| Lynn | 55,727 | ..... | 1 | Chelsea | 27,909 | ..... | 1 |
| Chicopee | 14,050 | ..... | 1 | Beverley | 10,821 | ..... | 1 |
| Woburn | 13,499 | ..... | 1 | Brookline | 12,103 | ..... | 1 |
| Waltham | 18,707 | ..... | 1 | Hyde Park | 10,193 | ..... | 1 |
| Pittsfield | 17,281 | ..... | 1 | Weymouth | 10,866 | ..... | 1 |
| Peabody | 10,158 | ..... | 1 | Clinton | 10,424 | ..... | 1 |
| | 304,723 | ..... | 10 | | 319,875 | ..... | 15 |

The population is that shown in the United States census of 1890.

Total number of places where vote was taken, 352.

Of which, in 1892,—

*Places with population over* 10,000.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 8 | previously under license; | population | 675,651; | voted | Yes.. | 8 | |
| 10 | " " " | " | 304,723; | " | No.... | 10 | |
| 4 | " not under license | " | 174,837; | " | Yes... | 4 | |
| 15 | " " " | " | 319,775; | " | No.... | 15— | 37 |

*Places with population under* 10,000.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 33 | previously under license; | population | 121,230; | voted | Yes... | 33 | |
| 274 | " not under license; | " | 626,349; | " | No.... | 274 | |
| 6 | " " " | " | 14,078; | " | Yes... | 6— | 313 |
| | In one place, Salisbury, population 1,316, vote was a tie. | | | | | | |
| | In another, Clarksburg " 884, no figures given .... | | | | | | 2 |
| | Total number..... | | | | | | 352 |

| | |
|---|---|
| Population of places voting in favour of the granting of licenses..... | 985,796. |
| Population of places voting against the granting of licenses..... | 1,250,947. |
| Population not counted in..... | 2,200. |
| Total votes cast for granting of licenses, | 119,191. |
| " " " against granting " | 127,123. |

In 1893, the Governor of the commonwealth appointed a commission to investigate the Gothenburg and Norwegian systems of licensing the sale of intoxicating liquors.

The report of the commission was published in 1894 (House document, number 192, 1894). The commission appointed a gentleman to visit Sweden and Norway, who, after making a full investigation on the ground, made a report for the information and guidance of the commission. This report has been printed, along with the draft of "An Act to establish the Norwegian system of selling intoxicating liquors" in the state of Massachusetts.

It provides that a petition signed by qualified voters of any city or town, not less in number than one for every one hundred persons who voted at the immediately preceding annual election in such city or town, to the board of aldermen of such city, or the selectmen of such town, asking them to insert in the warrant for the annual municipal election or town meeting an article providing for a vote upon the question: "If licenses for the sale of intoxicating liquors are granted in this city (or town), shall they be granted under the Norwegian system?" If the petition is duly filed with the bond as provided for in the Act, the aldermen or selectmen, as the case may be, shall insert such article in said warrant.

The bond is to be in the penal sum of one thousand dollars in towns, or five thousand dollars in cities, executed by five citizens, approved by a master in chancery. The obligation is that permission being granted to sell on the Norwegian system, the petitioners will form a corporation to take over the licenses which may be issued, and carry on the business for at least three years. Only one corporation is to do business within a town or city. Shareholders are not to receive more than 5 per cent on the par value on their stock.

"After all the expenses of the business and the dividend have been paid, there shall first be established a reserve fund equal to the par value of the capital stock, and after the payment of said dividend and the establishment of said reserve fund, the remainder of the net profits, if any, shall, at a fixed time in each year, be expended for one or more objects of general public benefit and utility, such as industrial education, coffee-houses and reading-rooms, parks, hospitals, public baths and sanitary improvements. The objects of such expenditure in each year, and the proportion of said remainder to be expended for each one of the objects selected, shall be determined by the shareholders at a meeting called for that purpose."

The commissioners of saving banks are empowered to investigate, examine and proceed against every such corporation in like manner and with the same powers as they now have or shall be given in the case of saving banks. The commissioners are to see that the shareholders do not, either directly or indirectly, receive a larger dividend than five per cent. The corporation shall annually, within ten days after the last business day of its fiscal year, make a return to the said commissioners, specifying such details as to its business as the said commissioners may direct. The commissioners are to supply the necessary blank forms for the making of such returns. The licenses granted to the corporation are to be subject to all the existing laws and to all the conditions imposed upon licenses granted to private licensees, which are not inconsistent with the Act. The number of licenses to be issued to any corporation is to be fixed by the directors of the corporation, subject to the approval of the licensing authority of the city or town, but the licenses under the first four classes, as set forth in the existing law, are not to exceed one for each two thousand of the population, as ascertained by the last national or state census. There are two other classes of licenses besides the four; one is licenses to clubs, the other licenses to druggists and apothecaries, the latter to sell only for medicinal purposes on the prescription of a physician. The act specifies the limits of the charges to be made for licenses. Five or more persons may form a corporation.

The proposals have not yet (December, 1894,) received the approval of the legislature of the state.

BOSTON.

The liquor traffic in the city of Boston is regulated by a board of police commissioners, three in number, the members of which are appointed by the state government. This board has been in existence for upwards of eight years. The Hon. Albert Whiting has been chairman of the board from the day of its creation The Board appoints the chief of police and the police force.

Mr. Whiting very kindly supplied much information to the commissioners, and in his evidence very fully described the manner in which the liquor traffic in the city is regulated.

In Boston, as in other cities and municipal districts of Massachusetts, a vote is taken every year on the question of whether licenses shall be issued or not. The following table shows the votes cast each year since 1888. In 1892 the majority in favour of licenses was only 1,140. Tne opinion was expressed to the commissioners that that this comparatively close vote could not be taken as indicating a stronger opposition than previously to the granting of the licenses, but was the result of a feeling amongst certain classes of the community who look upon the high licenses exacted in Boston as favouring the wealthier class, and rendering it impossible for a man without considerable capital to engage in the business.

CITY OF BOSTON, Mass.

Votes cast on the question of licenses. "Shall licenses be granted for the sale of intoxicating liquors in this city (or town)?"

| Year. | Population. | Yes. | No. | Remarks. |
|---|---|---|---|---|
| 1888 | 390,392 | 35,744 | 17,660 | |
| 1889 | 390,393 | 27,134 | 17,875 | |
| 1890 | 448,477 | 29,159 | 13,910 | |
| 1891 | 448,477 | 25,648 | 21,552 | |
| 1892 | 448,477 | 31,616 | 30,476 | |
| 1893 | 448,477 | 30,145 | 20,556 | |

The number of licenses issued is restricted to one to every five hundred of the population. The board of police commissioners appear to issue annually a notice in the form printed in Appendix 96. This notice sets forth the fees to be paid, and it

will be seen from the terms of it, that persons holding a license and expecting to obtain a renewal of it, have to make application to the board. Printed forms on which applications have to be made are supplied. These forms are numerous, and are, of course, varied to meet the conditions on which the various classes of licenses are issued. Every application has to be reported upon by the police on the form prescribed, copies of which are given in Appendices Nos. 101-2-3. If the application is rejected, a simple notification by the clerk of the board is given to the applicant. In cases where the application is approved, an intimation is sent on form Appendix No. 98. The licensee has to provide sureties who give a bond to the city in the form printed in Appendix No. 99. The sureties have also to make the statement shown in form Appendix No. 100. In the case of a report being made against the holder of a license, which the commissioners think of sufficient importance to be considered, the licensee is cited before the commissioners, who, if after giving the accused a reasonable opportunity to be heard, considers that he has violated, or permitted to be violated, the conditions of the said license, order it to be cancelled. A notice signed by the clerk of the board in the form B, Appendix No. 97, delivered by the police, cancels the license, and the holder is debarred from obtaining any license thereafter. In cases where the transfer of a license is desired, a petition has to be sent to the commissioners, who can, if they think proper, authorize such transfer. A transfer being authorized, a fee is charged to cover the expense of notice, etc.

Mr. Whiting was so good as to supply to the commission a statement of the amounts received and paid into the city treasury for license fees from 1st May, 1885, to 1st December, 1892, which are as under:—

| | |
|---|---|
| From May 1st, 1885, to Dec. 1st, 1885 | $505,093 |
| " Dec. 1st, 1885, to Dec. 1st, 1886 | 608,113 |
| " Dec. 1st, 1886, to Dec. 1st, 1887 | 588,497 |
| " Dec. 1st, 1887, to Dec. 1st, 1888 | 618,918 |
| " Dec. 1st, 1888, to Dec. 1st, 1889 | 888,308 |
| " Dec. 1st, 1889, to Dec. 1st, 1890 | 1,016,500 |
| " Dec. 1st, 1890, to Dec. 1st, 1891 | 1,033,872 |
| " Dec. 1st, 1891, to Dec. 1st, 1892 | 1,058,146 |
| In 1878 the amount collected was | 236,000 |

The state is entitled to one-fourth of the amount collected.

Mr. Whiting also supplied a statement of the fees charged for the different classes of licenses from 1884 to 1892, of which statement the following is a copy:—

Fees for different Classes of Licenses, under the Board of Police.

| —— | 1884-5. | 1885-6. | 1886-7. | 1887-8. | 1888-9. | 1889-0. | 1890-1. | 1891-2. |
|---|---|---|---|---|---|---|---|---|
| | $ | $ | $ | $ | $ | $ | $ | $ |
| 1st innholder A | 600 | 600 | 800 | 800 | 1,000 | 1,500 | 1,500 | 1,500 |
| 1st " B | 350 | 350 | 500 | 600 | 600 | 1,200 | 1,200 | 1,200 |
| 1st victualler | 250 | 250 | 300 | 350 | 400 | 1,000 | 1,000 | 1,000 |
| 2nd " | 125 | 125 | 175 | 175 | 200 | 500 | 500 | 500 |
| 3rd " | ..... | ..... | 125 | ..... | ..... | ..... | ..... | ..... |
| 4th grocer | 150 | 150 | 150 | 150 | 150 | 300 | 300 | 300 |
| 4th wholesale dealer A | 50 | 50 | 50 | 50 | 50 | 300 | 300 | 300 |
| 4th " " B | 150 | 150 | 250 | 250 | 250 | 1,000 | 1,000 | 1,000 |
| 4th " " C | 250 | 250 | 450 | 450 | 450 | ..... | ..... | ..... |
| 4th " " D | 350 | 350 | ..... | ..... | ..... | ..... | ..... | ..... |
| 4th distiller | 400 | 400 | 400 | 400 | 400 | 1,000 | 1,000 | 1,000 |
| 5th brewer A | 250 | 250 | ..... | ..... | ..... | ..... | ..... | ..... |
| 5th " B | 350 | 350 | ..... | ..... | ..... | ..... | ..... | ..... |
| 5th " C | 450 | 450 | ..... | ..... | ..... | ..... | ..... | ..... |
| 5th Brewer | ..... | ..... | 400 | 400 | 400 | 1,000 | 1,000 | 1,000 |
| 5th Wholesale dealer and bottler | 150 | 150 | 150 | 150 | 150 | ..... | ..... | ..... |
| 5th Bottler | ..... | ..... | ..... | ..... | ..... | 500 | 500 | 500 |
| 5th Retail dealer | 100 | 100 | 100 | 100 | 100 | ..... | ..... | ..... |
| 5th Wholesale dealer | ..... | ..... | 50 | 50 | 50 | ..... | ..... | ..... |
| 4th Wholesale druggist | ..... | ..... | ..... | ..... | ..... | ..... | 300 | 300 |
| 6th Druggist | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Special club | ..... | ..... | ..... | ..... | 50 | 50 | 50 | 50 |

It will be noticed that, for almost every class of license, the fees were steadily increased from 1885 to 1890, and that from that year to 1892 no change was made. The total revenue collected, it will be seen, fell off slightly in the year which ended in 1887, but, with that exception, it has steadily increased, notwithstanding the fact that the number of licenses granted were very largely reduced. The following statement also supplied to the commissioners gives much very interesting information.

LIQUOR work, etc., of the Police Department under the Board of Police.

| —— | July 23 to Dec. 1, 1885. | 1886. | 1887. | 1888. | 1889. | 1890. | 1891. | 1892. |
|---|---|---|---|---|---|---|---|---|
| Number of complaints for violation of conditions of licenses, made to board | 207 | 267 | 133 | 164 | 75 | 32 | 20 | 26 |
| Number of complaints for violation of conditions of licenses, made in court | 125 | 124 | 63 | 33 | 29 | 13 | 6 | 16 |
| Seizures made | 240 | 715 | 717 | 1,189 | 804 | 1,350 | 1,409 | 1,633 |
| Arrests for selling without a license | 150 | 398 | 327 | 525 | 684 | 473 | 420 | 401 |
| Licenses forfeited, liquor | 65 | 108 | 57 | 44 | 29 | 3 | 1 | 1 |
| " " druggist's | ..... | ..... | 5 | 5 | 10 | 12 | 6 | 3 |
| Licenses in force Nov. 30 of each year | 2,677 | 2,059 | 1,929 | 1,789 | 779 | 892 | 895 | 896 |
| Applications for licenses rejected | ..... | 1,068 | 701 | 314 | 492 | 425 | 287 | 229 |
| *Nature of complaints upon which licenses were forfeited.* | | | | | | | | |
| Violation of Sunday law | 29 | 22 | 13 | 14 | 12 | ..... | ..... | ..... |
| Violation of screen law | 5 | 1 | 1 | 2 | ..... | 1 | ..... | ..... |
| Opening unlicensed doors | 11 | 19 | 7 | 2 | 2 | ..... | ..... | ..... |
| Selling to minors | 9 | 10 | 9 | 7 | 3 | 1 | ..... | ..... |
| Selling to be carried off premises not allowed by license | 1 | 8 | 3 | ..... | ..... | ..... | ..... | ..... |
| Selling to be drunk on premises in violation of license | 1 | ..... | ..... | 16 | 13 | 1 | 4 | 1 |
| Allowing gambling, and keeping noisy and disorderly place | 1 | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Selling in a room not allowed by license | 1 | 3 | 11 | ..... | ..... | ..... | ..... | ..... |
| Selling between the hours of 11 o'clock p.m. and 6 o'clock a.m. | 1 | 5 | 2 | 3 | 1 | ..... | ..... | ..... |
| Keeping and exposing for sale liquors not allowed by license | 6 | 39 | 15 | 3 | 1 | ..... | 1 | ..... |
| Selling to intoxicated persons | ..... | 1 | 1 | 1 | 2 | ..... | ..... | ..... |
| Selling liquor without making record in book | ..... | ..... | ..... | 1 | 5 | 12 | 2 | 3 |
| Total | 65 | 108 | 62 | 49 | 39 | 15 | 7 | 4 |
| *Number of hearings given.* | | | | | | | | |
| Complaints against liquor licensees | 207 | 267 | 133 | 164 | 75 | 32 | 20 | 26 |
| Rejected applications for liquor licenses | 48 | 426 | 248 | 215 | 14 | 12 | 30 | 40 |
| Complaints against officers | 44 | 123 | 94 | 80 | 98 | 131 | 90 | 60 |
| Miscellaneous hearings | 19 | 31 | 20 | 23 | 50 | 90 | 64 | 41 |
| Total | 6,318 | 847 | 495 | 482 | 237 | 265 | 204 | 167 |
| Arrests for drunkenness | 6,067 | 16,179 | 19,141 | 23,044 | 24,991 | 23,970 | 27,396 | 33,698 |
| Total number of arrests | 11,062 | 28,510 | 30,681 | 36,009 | 40,066 | 37,492 | 41,132 | 48,463 |

From the preceding figures it will be observed that the number of licenses, which in 1885 were 2,677, fell to 896 in 1892.

The number of complaints for violation of the conditions of the licenses made to the board fell from 207 in 1885 to 26 in 1892, and the number of complaints made in court from 125 to 16. The seizures made, however, increased from 240 in 1885 to 1,633 in 1892, and the arrests for selling without license from 150 to 401. The number of licenses forfeited, which in 1886 were 108, fell to 1 in 1892. Applicasions for licenses which were rejected by the commissioners were, in 1886, 1,068, and in 1892, 229.

The statement shows a very large increase in the arrests for drunkenness; in short, in 1892 they were more than double what they were in 1886. The population in 1885 was 390,406, and in 1892, 448,477, and increase of 15 per cent.

## MASSACHUSETTS.

The United States census returns supply the following information:

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 2,238,943 | ..... | 1,783,085 | |
| Convicts in penitentiaries | 2,530 | 0·68 | 1,085 | 0·61 |
| Prisoners in county jails | 954 | 0·43 | 418 | 0·23 |
| Paupers in almshouses | 4,725 | 2·11 | 4,533 | 2·54 |
| Immates of juvenile reformatories | 698 | 0·31 | 726 | 0·41 |

## MINNESOTA.

This state is under high license and local option. Governor Merriam, in a very interesting letter to this Commission, writes:—

"What is known as the high license system is in vogue in this state. The license fee in cities of 10,000 or more population is fixed at $1,000, or such fee in excess of such sum as the city council shall prescribe; and in cities with less than 10,000 population, and in country villages or boroughs the license fee is $500, or such fee in excess of said sum as the city council of a city, or in case of a county, the county commissioners, or of a village or borough the municipal authorities, of such village or borough shall fix and prescribe. I am unable to furnish you any definite statistics bearing on this subject, but in my opinion there can be no question but that high license reduces the consumption of intoxicating beverages, and so diminishes drunkenness, resulting, further, in a less number of criminals, of paupers, of insane, and so of all public expenditure of every class.

"The statistics of this state, however, with reference to crime, pauperism and insanity could not be directly shown, for two reasons:—First, high license laws have not been in operation long enough to show so marked an effect as to enter into our public statistics; second, there are, besides drunkenness, so many concurrent causes of crime, pauperism and insanity that the student of sociology is very careful not to attribute a specific increase or diminution to some specific cause without being quite certain that no other causes have been active during the same time. One thing is certain, that the number of liquor saloons has been largely decreasing in Minnesota by reason of the adoption of the high license and bond laws, and the liquor traffic would be very glad to be relieved from the burden. License, therefore, tends to diminish drunkenness and the prosperity of the liquor traffic in all countries.' (Appendix 76.)

The Act provides that the licensing authorities are the commissioners of a county or the authorities of any municipal corporation. The applications for licenses, when received by the county auditor or the clerk of the municipal corporations are published in a newspaper at least two weeks before the hearing takes place.

Any person may appear and object to the granting of a license, and if it should appear that the applicant had knowingly violated the license act within the year preceding the application, or sold to minors, habitual drunkards, or intemperate drinkers, after receiving a notice forbiding such sale, within five years preceding such application, the board shall refuse to grant the license. Licensees shall file a bond of $2,000 to carry out the law.

The following are the license fees:—In a city of 10,000 people or more, $1,000, or such amount in excess as the city council may from time to time prescribe; in a city of less than 10,000, $500, or such amount in excess as the city council may prescribe; in county, village or borough, $500, or such amount in excess as the county commissioners or municipal authorities may fix and prescribe.

The following punishment is prescribed for drunkards:—For first offence, fine of not less than $10 or more than $40, or imprisonment from ten to forty days; for second offence, imprisonment from thirty to sixty days, or a fine from $20 to $50; for the third and all subsequent offences, imprisonment from sixty to ninety days.

Unlawful sales include sales to a minor, student or pupil in any public school, seminary, academy or other institution of learning, as well as to a drunkard or intemperate drinker. The punishment is a fine of not less than $25 or more than $100, or thirty to ninety days imprisonment.

The Act contains provision forbidding the sale of liquor within the capitol building during the session of the legislature, or on the state fair grounds, or within half a mile of the state university.

Provision is made for the preparation of a complete list of licensees, and this shall be open to the inspection of any resident of the county without charge.

The local option feature of the law is embodied in section 1856, and is as follows:—

"The board of county commissioners may grant licenses for the sale in any quantity of spirituous, vinous, fermented or malt liquor within the proper counties to any person of the age of 21; provided, that nothing herein contained shall be so construed as to prevent the people of any municipal county from deciding for themselves whether licenses shall be granted to any person or persons in said township, and the town clerk is hereby required, on the petition of ten or more legal 'voters' of said township at any time not less than twenty days before any annual town meeting, to give notice that the question of license will be submitted at said election. And notice therefor shall be given to the town clerk, and the said question of license shall be determined by ballot containing the words, 'in favour of license,' or, 'against license,' which vote shall be returned, and if such returns show that a majority of the votes cast at said election shall be against license, then it shall be the duty of the town clerk to notify the county auditor thereof, and in such case the board of county commissioners shall grant no licenses to said township."

Statistics of arrests in St. Paul and Minneapolis will be found in Appendices Nos. 159 and 160.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| — | 1890. | Per 1,000 of the population. | 1880. | Per 1,000 of the population. |
|---|---|---|---|---|
| Population | 1,301,826 | ..... | 780,773 | ..... |
| Convicts in penitentiaries | 432 | 0·33 | 248 | 0·32 |
| Prisoners in county jails | 208 | 0·16 | 105 | 0·13 |
| Paupers in almshouses | 365 | 0·28 | 227 | 0·29 |
| Inmates of juvenile reformatories | 284 | 0·22 | 112 | 0·14 |

## NEBRASKA.

Correspondence which has passed between the executive of this state and the commission will be found in Appendix No. 76. The Secretary of State, writing on the 19th March, 1894, says:—"We have what is known as the Slocum law, or local option. I know of but one county in the state (York) where this law is in force."

The state is under high license and local option.

The present law has been in operation since 1881. The previous law, passed in 1858, allowed the county commissioners to grant licenses and to fix the license anywhere between $25 and $500 and cities could impose an additional amount, not exceeding $1,000.

In 1890 a popular vote was taken on a prohibition amendment to the constitution, but it was rejected by 111,728 votes to 82,292. A proposal to ald a licensing amendment to the constitution was also rejected by 91,084 to 75,462 votes.

Applicants for licenses must obtain the support of a majority of the freeholders in towns under township organization, and in other places a majority of the freeholders of the precinct where the house proposed to be licensed is situate. The licensing authorities, however, may refuse all applications, if public sentiment, in their opinion, demands such action. There are, in fact, many places in the state where no licenses are issued. The state has really local option, as the question of license or no license is sometimes made a direct issue in the election of commissioners.

The present law, which is known as the "Slocum" law, provides that the licensing authority in Omaha shall be the board of fire and police commissioners; in Lincoln, the excise board; in other cities, the city council; in incorporated villages, the board of trustees; and elsewhere the county board. Notice of application for a license has to be published, and if objection is made, a day is appointed for the hearing. If it appears that the applicant has violated the liquor law within a year, or has had a former license revoked, the application must be refused; in other cases, the licensing authority may grant the licenses "as deemed expedient."

A license may be granted only upon application, by petition of a majority of the resident freeholders of the town, if the county is under township organization; and if not under township organization, then a majority of the resident freeholders of the precinct where the sale of such liquor is proposed to take place.

The license fee is fixed by the licensing authority, but may not be less than $1,000 in cities with a population exceeding 10,000; or $500 elsewhere. The licensee is required to enter into a bond in the sum of $5,000 with two freeholders of the county as sureties.

The following penalties are provided: Selling to a minor, $25; selling or giving liquor to an Indian not a citizen, $1,000, or imprisonment from two to five years; selling or keeping for sale without license, $100 to $500, or imprisonment not exceeding one month; selling liquor adulterated with strychnine, strontia, sugar of lead, or any other substance, $100.

Permits may be issued to druggists, each of whom is obliged to keep a detailed record, open to public inspection, of his sales of liquor, and to report on oath half-yearly to the licensing authority. The penalty provided is a fine from $20 to $100, and imprisonment ten to thirty days.

All vendors of liquors are required to keep their doors and windows unobstructed by screens or otherwise.

"Treating," or giving away liquor in any saloon or public place where liquor is sold for consumption on the premises is prohibited under penalty.

Any person found intoxicated is to be arrested, and on conviction fined $10 or be imprisoned not more than thirty days; but the punishment may be wholly or partly remitted on his giving sworn evidence when, where and from whom he received the liquor.

There is a civil damage law which provides as follows: "The person so licensed shall pay all damages that the community or individuals may sustain in consequence of such traffic; who shall support all paupers, widows or orphans, and

the expenses of all civil and criminal prosecutions growing out of or justly attributed to his traffic in intoxicating drinks." Such damages and expenses may be recovered by an action on his bond. On the person becoming a pauper by reason of intemperance, the poor authorities may sue on the bond of any licensee who was in the habit of supplying him with liquor. All fines are paid to the school board, and the complaining witness is to receive out of the local funds under the control of the licensing authority a sum equal to one-fourth of the amount so paid.

It is claimed that the effect of the high license system has been to largely reduce the number of licenses issued. In Omaha 251 licenses were granted in 1891, besides 72 permits to druggists. This gives a ratio of one license to nearly 600 people. In Lincoln only about 40 liquor licenses are granted, considerably less than one to 1,000.

Mr. Fanshawe in his book gives the following table of total arrests and arrests for drunkenness in Omaha under high license, and in Council Bluffs, Iowa, under prohibition:—

| | 1889. | | 1890. | | 1891. | |
|---|---|---|---|---|---|---|
| | Total arrests. | Arrests per 1,000. | Total arrests. | Arrests per 1,000. | Total arrests. | Arrests per 1,000. |
| Omaha, Nebraska—Under high license: Population (1890,) 140,500 :— | | | | | | |
| Total arrests | 8,449 | 60·13 | 8,113 | 57·74 | 7,281 | 51·82 |
| Arrests for drunkenness | 2,094 | 14·90 | 2,275 | 16·19 | 1,667 | 11·86 |
| Council Bluffs, Iowa—Under prohibition: Population (1890) 21,500 :— | | | 1889. | | 1892. | |
| Total arrests | | | 1,815 | 84·41 | 1,482 | 68·93 |
| Arrests for drunkenness | | | 736 | 34·23 | 696 | 32·37 |

NOTE.—In Appendices Nos. 158 and 168 will be found statements of arrests obtained from Omaha and Council Bluffs.

The state bureau of labour statistics in their report for 1893–4 state that in response to circulars sent to every village or city clerk in the state, over 1,000 blanks were sent out and seven hundred replies were received 475, reported "no saloons," and 225 reported a total of 873 saloons, paying license fees ranging from $25 to $1,500 per annum, and aggregating the sum of $713,550. Of this amount 80 saloons paid $13,880 occupation and municipal tax, which amount, however, is included in the above total.

Omaha and Lincoln, with a total population of 200,000, collect $269,000 from 269 saloons. The average license fee in the state is $818.80. The report says:— "A rough estimate of the total receipts of the average saloon for the year necessary to cover known expenses, including license fee and all other expenses, is certainly not less than $4,000; 873 saloons at $4,000 each make $3,492,000, or $3.23 for every man, woman and child constituting our population of 1,058,910." It concludes by contrasting this sum with the amount ($1,104,470) voted by the last legislature for current expenses. (P. 277).

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available :—

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 1,058,910 | ..... | 452,402 | ..... |
| Convicts in penitentiaries | 391 | 0·37 | 256 | 0·57 |
| Prisoners in county jails | 219 | 0·21 | 78 | 0·17 |
| Paupers in almshouses | 291 | 0·27 | 113 | 0·25 |
| Inmates of juvenile reformatories | 237 | 0·22 | | ..... |

*No information for 1880.

## ARKANSAS.

This state is under high license and local option.

A letter from the governor of the state, dated the 17th day of May, 1892, will be found in Appendix No. 76. No communication was received from Dr. Bennett, the gentleman mentioned in Gov. Eagle's letter.

In the early days, to prevent disorder, no person was allowed to keep a public house without a license, the fee being from $10 to $30, whilst slaves and soldiers were prohibited from obtaining liquor. In 1838 the fee was made $10 to $100, with a $50 penalty for any violation. Licenses under both these arrangements were granted by the county court, and under the latter the applicant had to procure a petition, signed by a majority of the resident voters of the township, in favour of his license being granted. In 1854 Phillips county and Taylor county, in Columbia district, were placed under prohibition, and sales to Indians were forbidden, under a penalty of from $1 to $500. In 1860 thirteen local prohibitory laws were enacted for churches, schools and townships, and four more in 1866. At this time the minimum license fee was raised to $25 and the maximum to $500 in any county where licenses could be issued. In 1871 a county tax of $100 was placed on all liquor sellers, and in 1873 a state tax of $100 was added, sales for medicinal purposes being exempted, whilst the penalty for selling without a license became, instead of from $1 to $500, from $200 to $1,000. In Washington county the principle was introduced of awarding civil damages in favour of those injured by the sale of intoxicating liquors, and against the vendor. Prohibition on account of race or colour was done away with.

Six local prohibitory laws were enacted in 1874, six in 1879 and over twenty in 1881, whilst about the same number have been passed every session since.

The present law was passed in 1879, and was added to in 1881 and 1883. It provides :—

That all sales of liquor must be under license, except that manufacturers may sell in original packages of not less than five gallons each. The county court may issue licenses to any one who is 21 years of age, provided that the vote of the township for which the license is required has been recorded in allowing the issue of licenses. Application must be verified by oath, and accompanied by the receipt of the collector for $400 as county tax, $300 as state tax, 1 per cent on the amount paid as collector's fees, and $2 as clerk's fee. The penalty for selling without a license is double the amount of license fee, and each day of such sale constitutes a special offence.

Every applicant shall give bond in $2,000 conditioned to pay all damages caused by reason of liquors sold at his house, and all such sums of money as may be lost at gaming in his saloon.

Before the license is granted the applicant must produce the receipts for the foregoing payments, and further pay for the use of the county such additional sum,

being not less than $50 nor more than $200, as shall be determined by the county court.

Wines from grapes, berries, and other fruits, sold by the manufacturer, who must manufacture and sell no other liquors, are exempted.

No debts for liquor are recoverable.

Allowing gaming or selling to United States soldiers forfeits the license. Selling liquor to a minor without the consent of the parent or guardian incurs a fine of $50 to $100. Selling to Indians incurs a fine of $1 to $500. For selling on Sunday the fine is from $25 to $100.

The provisions for preventing the sale of intoxicating liquors in any locality comprise three distinct methods:—

At each general election for state officers, the question shall be submitted to the electors whether or not licenses shall be issued in the county for the next two years.

Whenever the adult inhabitants residing within three miles of any schoolhouse, academy, or institution of learning, or of any church-house, shall desire it, and a majority thereof shall petition therefor, the county court shall make an order prohibiting the sale of liquor there for two years. Females, as well as males, are included as inhabitants in this section. This is the second method of local prohibition.

The third method is by means of a special act of the legislature. A large number of these special acts have been passed since 1883, and so far none of them have been repealed.

The three-mile law does not prohibit the use of wine for sacramental purposes, or sales on a physician's prescription. The physician prescribing has to make an affidavit of necessity.

At the elections in September, 1892, twenty-four counties, about one-third of those in the state, voted against the issue of licenses. It is estimated that at present about one-half of the whole state is under local option. More bills affecting the liquor interest were introduced into the state legislature than on any other subject.

It would appear that the term "local prohibitory laws for churches, schools and townships" means that if the adult population residing within three miles of a church, schoolhouse, academy or institution of learning, petition the clerk of the county court, that court is bound to issue an order prohibiting the sale of liquor within the district for a period of two years.

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available:—

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 1,128,179 | ..... | 802,525 | ..... |
| Convicts in penitentiaries | 832 | 0·74 | 564 | 0·70 |
| Prisoners in county jails | 397 | 0·35 | 190 | 0·24 |
| Paupers in almshouses | 223 | 0·20 | 105 | 0·13 |
| Inmates in juvenile reformatories | * | ..... | ..... | ..... |

*No juvenile reformatory.

## CALIFORNIA.

Letters received from the executive department of this state, dated 10th April, 1893, and 15th January, 1894, will be found in appendix No. 76.

Under the constitution of California, any county, city, town or township may make and enforce within its limits all such local, police, sanitary and other regulations as are not in conflict with general laws. The effect of this is to give to every

municipality of local administration the power of dealing with the liquor traffic; or, in other words, the constitution gives to each local authority power to make such arrangements as it may think fit, regulating, restricting or entirely prohibiting the sale of liquor within the area which it controls.

The secretary of the governor of the state, in a letter to the commission, says:—"The sales of liquor are affairs of the counties, they having the right to adopt ordinances concerning them." (Appendix 76.)

The state has therefore no general liquor law. The license system prevails in San Francisco and the principal centres. Prohibition prevails in one or two counties and several towns and districts.

California is a large wine-producing state, and in this respect occupies an exceptional position. According to statements in the national census of 1890, there is an established home demand for California wine to the amount of 1,000,000 gallons a month, and there were exported in 1889 about 312,000 gallons, valued at $217,000.

The city ordnances of San Francisco provide as follows:—

"No license as a retail liquor dealer, or as a grocer and retail liquor dealer, shall be issued by the collector of licenses, unless the person desiring the same shall have obtained the written consent of a majority of the board of police commissioners of the city and county of San Francisco to carry on or conduct said business; but in case of refusal of such consent upon application, said board of police commissioners shall grant the same upon the written recommendation of not less than two citizens of San Francisco owning real estate in the block or square in which said business of retail liquor dealer is to be carried on. (Ordinance xxxix, clause 2).

"As a matter of practice, the commissioners require every new application to be backed by the support of some persons in the block." (Liquor Legislation, by Fanshawe, page 310.)

Licenses are issued for a period of three months, and the penalty of infringement of the law is a fine not exceeding $1,000, or imprisonment not exceeding six months, or both.

Bar-rooms must be closed between midnight and 6 a. m. The penalty for drunkenness in the public streets or public places is a fine not exceeding $1,000, or imprisonment not exceeding six months, or both.

No liquor may be sold to a minor under 18 years; and no minor may be permitted to enter a saloon or public place where liquors are sold under a penalty payable by the keeper of the place ranging from a $100 to $300.

The number of liquor shops on June 30, 1892, was reported to be 3,192.

In some cities and towns the license fee is as high as $1,000 per annum. In Los Angeles the fee is $50 per month, and the applicant is required to get the support of three-fourths of the owners in the same block.

The towns of Pasadena and Riverside were formerly under prohibitory ordinances; but these were repealed. What has taken place since the visit of the commissioners is referred to in a later part of this paper.

## RIVERSIDE AND PASADENA.

His Honour Judge McDonald and Rev. Dr. McLeod, members of this commission, visited Southern California, and made inquiry on the spot as to the method adopted for regulating the liquor traffic in Riverside and Pasadena.

Their visit was the outcome of statements made by Mr. John W. Sifton, of Winnipeg, when giving evidence before this commission, to the effect that prohibition was successfully enforced in these towns. His testimony was as follows:—

"Have you any knowledge of any prohibition in any other place?—I lived for some time in southern California and was in two prohibition towns, one with 10,000 inhabitants near Los Angeles—Pasadena, where I was for a considerable time.

"And the other was what?—Riverside.

"How far are they from each other?—About 40 miles.

"From your observation, was prohibition enforced there?—I think it was the most thorough and successful thing I ever knew. They had it in Pasadena. There was one constable there, and he was also night watchman and health inspector, and held two or three other offices.

"And did he succeed in enforcing the law?—He told me he had no trouble. He told me they would come down from Los Angeles drunk, they would get out of the train, and they would be put into the lock-up. It is ten miles from Los Angeles, and nearly 600 south of San Francisco." (Q. 32109–32113.)

The Commissioners ascertained, on visiting Pasadena and Riverside, that neither town is under total prohibition; that while these new western towns had been established under a prohibitory system, and were being settled by people from the eastern states, from some of the western states and from Canada, all of the higher class, and the majority entertaining total abstinence principles, they had found total prohibition impracticable, and that consequently these communities reverted to a system of regulation, rather than of total prohibition. The history of the settlement of the southern portion of California possesses many points of interest.

The state itself permits localities to deal with the liquor traffic. Outside of incorporated cities, an applicant for a license simply requires to obtain signatures of twelve freeholders to a petition to the supervisors of the county. Although discretion rests with the licensing board, it is not exercised unless the applicant is of bad character. The license fee is regulated according to the prospective business, and ranges from $25 to $100. The effect of this plan is practically to give free trade in liquor in communities outside of incorporated municipalities. In these incorporated municipalities many experiments have been made with a view to satisfactorily solving the problem of how effectually to deal with the liquor traffic. Prohibition has been tried in several towns, notably in Pasadena and Riverside. Riverside undoubtedly offered a suitable field in which to carry out a prohibition experiment. The settlement was commenced with the idea of adopting permanently a prohibitory system. The settlers belonged to a superior class and were largely total abstainers. They were generally possessed of some means; they were settled in a portion of the continent having exceptional advantages as regards climate; they were led by men who had occupied prominent positions in eastern communities, and were resolved to build up on the Pacific slope a model town. No pauper class or criminal class threatened the success of the scheme. Thus the men and their environment were calculated in the highest degree to achieve success for the prohibitory system, if such were possible.

The settlement grew rapidly, the population increasing from a nucleus of two or three score to 5,000 people within about five years. The community is a model one in every respect. It is temperate, law-abiding, progressive and prosperous. But even here it is divided practically into two classes, one being the owners of orange groves or ranches, as they are termed, and the other being composed mainly of the business people and others who earn their living by trade.

Riverside, according to the terms of the state law, was under the control of the supervisors of the county, as regards the liquor traffic, until its incorporation. Accordingly there was practically free liquor for a brief period in the very early days. Then the town elected an anti-saloon board of trustees, and that board abolished the traffic. Three saloons were running at that time, and it was reported that there was a good deal of drinking going on. During two years saloons were abolished. There was, however, illicit sale. The number of places illegally selling was placed at from a dozen to twenty-five. There was, moreover, a large importation of liquor from outside, San Bernardino and Los Angeles being within easy distance. The drug stores sold liquor in large quantities, and prescriptions, it appears, could be obtained for a small consideration for any purpose wanted. The board of trustees, composed altogether of prohibitionists, with one exception, ruled the town for two or three years. They raised large sums of money for the purpose of carrying out prohibition ideas, and they expended $2,000 of the town's money in trying to prevent clandestine sale of liquor. The attempt to suppress the sale, however, was like an effort, as a witness put it, "to put out fire with oil. It started

on the other side, and simply went to another place, for the demand for liquor had to be met." (Q. 8c.) Prohibition proved impossible of enforcement. Liquor was obtained in the city; it was brought in from outside places; it was obtained in drug stores. And the consumption increased. While residents could obtain alcoholic beverages freely, tourists visiting this winter resort were prohibited obtaining wine at meal times, even when ordered by their physicians. Witnesses concurred in the opinion that when tourists found they could not get even the wines of the country for beverage purposes they frequently left town by an early train, so that, eventually, a high license board was elected. A high license system had been in force two and a-half years when this commission visited the town. Under it two licenses are granted. The board, however, allows anyone keeping an hotel with 40 rooms to furnish wine and beer to guests at meal times, but no bar is allowed in such hotels.

Under the present system the licensee is called upon to pay fees to the amount of $2,325 annually, viz., $2,000 to the city, $300 to the county, and $25 to the Federal Government for the United States tax certificate. It was stated before the Commission that, notwithstanding this high license, the trade is profitable. Application for a third license was made some time ago, but was refused by the licensing board, on the ground that satisfactory bonds had not been filed; but popular opinion in the town appeared to be adverse to the granting of an additional license.

The town appeared to be most orderly and well conducted in every particular, and the people to be a superior class, and generally in comfortable circumstances. It was stated in evidence that while there had been a little more crime during the first month of the licensing system, it had even diminished during the last two months, as compared with the prohibition period. It was, moreover, conceded that there were not so many unlicensed places now as formerly.

Prohibition or license appears to constitute the sole issue at the elections for members of the board of supervisors. The voting takes place every two years, and as the elections are carried by narrow majorities, this question will doubtless continue for some years to be the issue.

Meanwhile the town is growing rapidly in wealth and population, and it has become a popular resort. The saloons do not appear to be detrimental to the public interest. They are situated outside of the residential wards, and are even outside of the main business streets, so that, as a leading banker stated, "a man could go through the town twenty times and not find them (the saloons)." They are not allowed to be within a hundred feet of church, schoolhouse or postoffice. (Q. 107*b* and 108*b*.)

Pasadena, another model town and winter resort, was visited by the members of the Commission. Within five years it has acquired a population of 3,000 inhabitants. Like its sister city, Riverside, Pasadena commenced as a prohibition town. It was first settled by the best class of people from the east, especially from the New England states, and the leading men who promoted its settlement were total abstainers. For three years after the city was organized, the "rank prohibition element," as local witnesses called it, ran the town. The prohibition advocates were not only opposed to saloons, but desired to prevent the inhabitants obtaining liquor from outside towns and keeping it in their own homes. An ordinance was passed for absolute prohibition; no liquor could be sold in the town for drinking purposes. Even tourists arriving from the east who were recommended to drink California wine were sought to be prohibited, and the prohibitionists publicly declared that no wine, beer or liquor of any kind should be used in the town.

A considerable section of the people were opposed to this extreme measure, and candidates were nominated for the board of supervisors on the platform that the board would allow restaurants and hotels to serve liquor at meals, but under no circumstances would a bar be permitted.

Mr. T. P. Lukens, president of the Pasadena National Bank, and also one of the trustees of the town, stated to this commission that "within one year from the time that we were elected and put that system into operation, the people were satisfied that it was the best thing to do, and the city made much more rapid

strides than it had ever done under absolute prohibition, because the young men growing up here have no temptation laid before them whatever. We began to educate our people not to use liquor, and they have not acquired a taste for it, and so the next generation will be comparatively temperate people. The fact is, they have no occasion to drink. The system is working beautifully. We have now been elected three years on this platform, and even a great many of the strongest prohibitionists are satisfied that it is the best thing to do." (Q. 197*b*.)

Under prohibition there was much illicit selling. Strong efforts were made to suppress the illicit places, but it was found almost impossible to convict the parties according to the statements of gentlemen heard by this Commission. Mr. Lukens, referring to this matter, said: "As soon as our party was elected, every one of the places shut up of its own accord. They were satisfied with the new system, and they thought it was a reasonable one. The present system is very much better than the former system of attempted prohibition, and we have accomplished a great deal more under the present system than under prohibition." (Q. 213*b*. and 220*b*.)

The opinion generally held by the people was thus stated: A large majority of the citizens would be glad to see liquor annihilated from the face of the earth, but there is not a majority who favour absolute prohibition; they are in favour of voluntary total abstinence. Mr. P. M. Greene, president of the First National Bank of Pasadena, and one of the original founders of the settlement, said: "The community is a sober and law-abiding one. You very seldom see a drunken man. We have from the beginning endeavoured to keep down the open bar, and we have been successful. Theoretically, I have been a strict prohibitionist, but it is impossible to enforce such a law here under our circumstances." (Q. 262*b*–263*b* and 278*b*.)

Mr. W. H. Rose, recorder of the town, considered that the modified system worked most satisfactorily. Under prohibition, he said, there was much illicit sale of beer, wine and whisky; there was also a large sale at the drug stores. He explained the reason for adopting the modified system, as follows: "I think the principal reason that led to it (the change) was the fact that the more rigid prohibitionists were prosecuting everybody—they were not particular. Another action which the people resented was the employment of paid spies, men who worked themselves into the confidence of the saloon keepers who were supposed to be selling, and induced them, or rather seduced them, to act in violation of the ordinance, and then arrested and prosecuted them. That caused a revulsion on the part of more temperate men, who did not approve of that way of doing business. Then there was a good deal of talk in regard to the revenue question, and there was a good deal of complaint by visitors that they could not get at the hotels liquors which they had been ordered to take by their physicians." (Q. 329*b*.) Under the interpretation of the trustees, the hotels and restaurants are allowed to furnish liquor to their guests at meal times. There is no ordinary saloon for selling liquor by the glass. There is less drunkenness than under the old system. "The record shows double the number of arrests for drunkenness under the first system, as compared with the number of arrests at the present time. A large proportion of the people are favourably impressed with it (the present system), and even rank prohibitionists do not now complain." (Q. 338*b*. and 348*b*.) Opportunity to express their opinions was afforded at the election of the council; but the people were so well satisfied that last year, at the elections, no opposition was offered. (Q. 349*b*–352*b*.)

In regard to the use of California wine, evidence was given before this Commission that, in the Napan wine district, out of one hundred families there are only two or three who have not wine in their houses always. Yet they are absolutely temperate, and, as witnesses testified, "You will not find there any drunkenness whatever."

Since the visit of the Commissioners, the following communication was received from the city clerk of Riverside:—

"RIVERSIDE, CAL., 12th March, 1894.

"In December, 1892, we had what was known as a high license ordinance controlling the traffic, requiring all dealers to pay a license of $2,000 per year. There has been no change in our city law, but the board of supervisors of the county of

Riverside have passed or adopted a prohibitory law, closing all saloons and prohibiting the selling of liquor by anyone except druggists upon the prescription of a physician, and hotels are allowed to serve liquors at meal time with meals furnished to regular guests of such hotel, and at meal time only. This took effect 1st October, 1893, since which time there have been no saloons in this country. This law was brought about by a petition of the board of supervisors asking for such a law, signed by a majority of all voters and tax-payers of the whole county, and including the city of Riverside, which is in this matter controlled by the higher authority, and on the 2nd Tuesday of next November the question will be submitted to a vote of the people in this county, whether they want high license or prohibition, and the result of such vote settles the matter for four years, when it may be again submitted."

Application was made to the city clerk of Riverside for information as to the result of the vote which was to be held in November last, but no reply was received.

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available:—

| —— | 1890. | Per 1,000 of the population. | 1880. | Per 1,000 of the population. |
|---|---|---|---|---|
| Population | 1,208,130 | ..... | 864,694 | |
| Convicts in penitentiaries | 2,051 | 1·70 | 1,495 | 1·73 |
| Prisoners in county jails | 682 | 0·56 | 657 | 0·76 |
| Paupers in almshouses | 2,600 | 2·15 | 1,594 | 1·84 |
| Inmates of juvenile reformatories | 206 | 0·17 | 165 | 0·19 |

## COLORADO.

This state is under a license law.

The Governor, in reply to a communication from this Commission, writes: (Appendix 76):

"In this state no laws have been enacted prohibiting the sale of liquor, except those relating to Sunday closing and the selling to minors and habitual drunkards. Regulative laws are limited to issuing licenses. These matters are under the control of the county commissioners of the several counties, or of the police machinery in cities and incorporated towns."

The law of the state provides that the licensing authority in cities shall be the city council, in incorporated towns the board of trustees, and elsewhere, the board of county commissioners.

In cities or towns the council or board of trustees has: "The exclusive right to license, regulate or prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor within the limits of the city or town, or within one mile beyond the outer boundaries thereof, except where the boundaries of two cities or towns adjoin, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license."

The retail license fee must not be less than $600 in cities, $500 in incorporated towns, and elsewhere $300.

When the county commissioners are a licensing authority they have power to grant or reject applications in their discretion, and on complaint made, may revoke licenses.

Each applicant, before receiving his license, must execute a bond in not less than $2,000 with two good and sufficient sureties of the county.

The licensing authority may, in its discretion, grant licenses for malt liquors only, on payment of half the fee.

The law contains a civil damage clause, limited to the case of habitual drunkards, after notice not to sell.

The penalties provided are. For selling liquors in quantities less than one quart, without a license, $50 to $200; for procuring intoxicating liquor of any kind for an habitual drunkard, $100 to $300, or imprisonment from three to twelve months, or both.

Sheriffs and constables are required to arrest all persons found violating the law respecting minors or habitual drunkards, and saloon keepers are to post up conspiculously the words, "No minor or habitual drunkard allowed here."

Under the ordinance of the city of Denver the fine for drunkenness on a public place is $1 to $25, and it was made the duty of the police to arrest offenders and keep them in custody until sober, unless they were taken charge of by relatives or friends.

In 1892 an ordinance was passed under which applicants for a new license are called upon to accompany their applications by a petition from a majority of the owners of frontage property in the same block. No license can be granted for premises within 500 feet of a public school.

The same ordnance provides that liquor shall not be supplied to females, nor may females be permitted to be in saloons or dram shops for the purpose of drinking, or be employed in the liquor business.

The legislature of this state in 1893 passed the following Act to provide for the treatment and care of habitual drunkards:—

*An Act to provide for the treatment and cure of habitual drunkards.*

"BE IT ENACTED by the General Assembly of the State of Colorado:—

"Section 1. Any inhabitant of this state who is of kin to, or a friend of an habitual drunkard as hereinafter defined, may petition the board of county commissioners of the county of the residence of such drunkard, for leave to send such drunkard, at the expense of such county, to any reputable gold cure institute for the treatment of drunkenness, which petition shall set forth the name, age and condition of such habitual drunkard; that such drunkard, or those of kin petitioning, are not financially able to incur the expense of such cure, and shall set forth that such habitual drunkard is willing and has agreed to attend such institute for the cure of drunkenness, which petition shall be verified by the person making such request, and shall contain, in addition thereto, the written agreement of such habitual drunkard, his desire to take such treatment, and the names of three reputable taxpayers in the county in which said habitual drunkard resides, stating that they are familiar with the facts set forth in the petition and that they are familiar with the financial circumstances of the drunkard and of the petitioning kin, and think it a proper case for assistance from the county commissioners.

"Section 2. When such petition is filed, the board of county commissioners shall, if satisfied from their examination that the facts set forth in the petition are true, that he has been a resident of the county for six months, and that such drunkard of his own free will desires to take such treatment, send such habitual drunkard to some reputable gold cure institute, for the treatment of such disease, that will treat the same at the lowest figure; but such board of county commissioners shall not be compelled to send such person to the institute making the lowest bid, unless in their judgment the best interest of such drunkard shall be promoted thereby; and the said board of county commissioners shall make an order that the expense for the treatment be paid out of the county treasury in the manner that other claims and bills of the said county are paid: Provided, however, that the cure and treatment of such drunkard shall at all times be under the supervision of the board of county commissioners, who may, at any time they see proper, stop the treatment of any such drunkard, or change him from one institute to another, as to them shall seem meet and proper. Provided, that no county shall be required to send the same person to any such institute a second time at its expense.

"Section 3. A drunkard as mentioned in the foregoing sections shall be deemed to include a person who has acquired the habit of using morphine, opium or other narcotics to such a degree as to deprive him of reasonable self-control.

Approved, 31st March, 1893."

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available :—

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 412,198 | ..... | 194,337 | ..... |
| Convicts in penitentiaries | 526 | 1·28 | 185 | 0·95 |
| Prisoners in county jails | 275 | 0·67 | 84 | 0·43 |
| Paupers in almshouses | 87 | 0·21 | 46 | 0·24 |
| Inmates of juvenile reformatories | 149 | 0·36 | * | ..... |

* No reformatory.

## FLORIDA.

This state is under license and local option.

The governor of the state, in reply to a communication from this Commission, said :

"Up to 1883 liquor was sold simply on the payment of a license tax. At that time an Act was passed prohibiting the sale of intoxicating liquors, except if persons desiring to sell the same should procure a petition signed by a majority of the registered voters in the electoral district of the county in which such application could be made, and also provided for the publication of such petition. Upon the presentation of such petition to the county commissioners they were authorized to permit the applicant to sell liquor, upon the payment of the license tax. The statute also prohibited the sale of intoxicating liquors to any minor, or person in a state of intoxication. The license tax at that time was $300 for the state, and the county was also authorized to collect a license of $150, and the city or town in which the liquor seller might be, a similar tax of $150. The state license increased in 1887 to $400 and the city and county license proportionately. In 1889 the state license was increased to $500, and the city and county license proportionately.

"In 1886 a new constitution was adopted by the state, one feature of which provided for local option in the selling of liquor, that is, permitting each county by a vote to decide whether or not liquor should be sold therein. The ensuing legislature of 1887 passed an Act in accordance with that constitutional provision, providing the machinery for such elections, etc. In pursuance of such laws, elections were held in 1887 in some 18 of the 45 counties of this state, in 16 of which the result was in favour of the prohibition of the sale of liquor; in 10 of which prohibition has been removed by subsequent elections. Two other counties have prohibited the sale of liquor since 1887, so that at the present time there are 8 counties in which the sale of liquor is prohibited, 26 in which licenses to sell have been issued, and 11 where, though not prohibited, no licenses are issued, the petitions, as hereinbefore stated, being requisite to procure a license. The high license in some of the sparsely settled counties operates as a prohibition.

"I am impressed that it is the opinion of the majority of our people, including those who are earnestly desirous of the promotion of temperance, that the experiment of prohibition in this state has generally proved to be a failure; and that in many of the counties which prohibited the sale there was as much liquor sold clandestinely, and as much drank, as before prohibition.

"Where a license system prevailed there is but little temptation to sell in violation of the law; but the profits of the sale of liquor are such that to supply those desirous of procuring it, the temptation is great to sell clandestinely when the law prohibits, even at the risk of conviction, which is generally difficult. The trials in such cases frequently develop deceptive methods and the betrayal of confidence in the efforts to procure testimony to convict. There is no doubt that the closing of bar rooms in 'dry counties' removes convenient places for gratifying the appeti'e

for intoxicating liquors; but, on the other hand, there are not a few instances where persons cut off from such sources procure liquor by the quantity in consignment from places where the sale is not prohibited, keep it at home, and drink more than before.

"With every desire for the promotion of temperance, I favour the system of high license, with reasonable restrictions and regulations as to the sale, rather than prohibition." (Appendix 76.)

The following is the provision of the law respecting local option:—

The board of county commissioners of each county in the state, not oftener than once in every two years, upon the application of one-fourth of the registered voters of any county, shall call and provide for an election in the county in which application is made, to decide whether the sale of intoxicating liquors, wines or beer shall be prohibited therein, the question to be determined by a majority of those voting at an election called under this section, which election shall be conducted in the manner prescribed by law for holding general elections; provided, that intoxicating liquor, either spirituous, vinous, or malt, shall not be sold in any election district in which a majority vote was cast against the same at the said election. Elections under this section shall be held within sixty days from the time of presenting said application, but if any such election should thereby take place within sixty days of any state or national election, it shall be held within sixty days after any such state or national election. (Section 1.)

The legislature shall provide necessary laws to carry out and enforce the provisions of section 1 of this article. (Section 2.)

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 391,422 | ..... | 269,493 | ..... |
| Convicts in penitentiaries | 374 | 0·95 | 183 | 0·68 |
| Prisoners in county jails | 270 | 0·69 | 86 | 0·32 |
| Paupers in almshouses | 24 | 0·06 | 45 | 0·17 |
| Inmates of juvenile reformatories | ..... | ..... | ..... | ..... |

There is no juvenile reformatory in Florida. (Census Bulletin, No. 72).

## GEORGIA.

This state is under high license and local option.

The Governor, in answer to a communication from this Commission, says:—

"We have no state law prohibiting the sale of spirituous liquors and drugs. We have a general local option law for the state, applicable to such localities (counties) as vote upon the question. Before this general law was enacted, we had the sale of whiskey prohibited in many counties by local enactments.

"We have 137 counties in this state. The sale of liquors under the provisions above named is prohibited in more than 100 of these counties. This prohibition does not cover any county in which is located a large city." (Appendix 76.)

The general licensing law of the state, which applies to those portions of it which are not subject to prohibition or to any special local law, provides that application for a license to sell spirituous liquors must be made annually to the ordinary of the county, who has power to grant or refuse the application. On a license being granted, the applicant must take an oath not to sell to a minor without the consent of his parents or guardian, and must give a bond in $500 to abide by his oath and to keep an orderly house. The county retail license fee is $25.

Another general law provides for the inspection of liquors. City and incorporated town authorities, and in counties the ordinary, may appoint inspectors to

examine liquors every month, and require the destruction of such as are injuriously adulterated. Dealers are required, under penalty, to have their liquors inspected before sale.

Penalties are enacted for selling without a license, keeping open on Sunday, selling to minors, etc., and the court sentencing the offender is required to cancel his license, whereupon he becomes disqualified for a year from obtaining another.

By a law enacted in 1887, it is provided that in counties having prohibition, with a saving clause for any kinds of wine (domestic or other) dealers in such wines, unless also manufacturers, are required to pay a tax of $10,000 annually; and such wines are not to be sold in less quantities than a quart, and are not to be drunk on the premises.

By an Act passed in 1891, the sale of liquor within three miles of any church or school-house, except in incorporated towns and cities, is forbidden under penalty, subject to a saving clause for domestic wines, and for physicians, and for manufacturers selling to legally authorized dealers, in original packages of not less than 40 gallons. Local prohibition has been brought about in the state in three distinct ways—by the operation of the general local option law; by special prohibitory or local optional legislation, affecting particular areas; and by corporation acts conferring powers of local self-government on individual municipalities.

The general local option law of the state, enacted in 1885, may be thus summarized:—

A local option election is to be held on the application of one-tenth of the qualified voters in the county. The election is to be distinct from any other election, and is not to be held in the same month with any general election. If the majority is against the sale, no person within the county may "sell or barter for valuable consideration, either directly or indirectly, or give away to induce trade at any place of business, or furnish at other public places any alcoholic, spirituous, malt or intoxicating liquor, or intoxicating bitters, or other drinks which, if drank to excess, will produce intoxication."

There is a saving clause for domestic wines and cider (but not to be sold in bar-rooms by retail) and for sale of wine for sacramental, medicinal, art, scientific and mechanical purposes.

Elections under the Act are not to be held more frequently than once in two years, and no such election is to be held for any county, city, town or other place having prohibition under a local law. A large body of special liquor legislation appears on the statute book of the state. During the last eight years no less than 160 local liquor laws have been passed. These include acts prohibiting the sale of liquor in a county, town or district, or repealing such prohibition, sometimes prohibiting for a county, exclusive of a particular town, and sometimes subject to a power of reversal by popular vote; acts providing for submission of the question to local option, these acts having been passed before the enactment of the general local option law; acts prohibiting within a certain distance, varying from one to five miles, of a particular church or place of education; acts regulating the traffic in a county or town, sometimes requiring each application for a license to be supported by a majority, or by two-thirds of the freeholders within the licensing area, or within three miles of the premises; sometimes introducing a very high license fee, one county placing the fee at $10,000; acts providing for the election of an agent to sell liquor for medicinal and mechanical purposes. Acts have also been passed conferring power on municipal corporations to make ordinances regulating or prohibiting the liquor traffic.

The number of prohibition counties has been as high as 108, but a few have gone back on the license, and the number maintaining prohibition is now placed at 100.

The city of Atlanta, which is the largest city in the state, having a population of about 65,500, was under prohibition for two years, Fulton county, in which Atlanta is situated, adopting it by popular vote under the general local option law in 1885. The majority given against the saloons is 225 votes. The city returned to license in 1887. The result of the election in that year was a majority of 1,128 for a return to the licensing system, the total number of votes cast being something over 9,000.

The licensing regulations of Atlanta are of a very stringent character, and contain several novel features.

The licenses are of three kinds, wholesale, retail, and retail for malt liquor only. Licenses of the first two classes may be issued only in specified business portions of certain streets, enumerated in the ordinance. Beer licenses may not be issued within those limits, but may be issued outside of them, "on business portions of business streets, within practicable and efficient police supervision, and in localities where there is no reasonable objection thereto."

The mayor and council have full power and authority to regulate the retailing of ardent spirits within the corporate limits of the city, and to fix the license fee at any sum not exceeding $2,000.

The applicant is required to pay a license fee, and to make an oath and give a two thousand dollar bond to observe the law. He must also produce a certificate from two or more of his "sober, respectable, near neighbours, not interested in the application," one of whom must be an adjoining neighbour. The applicant must also produce a written consent of the owner of the premises.

Before a license is granted the police are personally to examine the locality and give notice to adjacent tenants or owners, and also to the owner of the place going to be licensed, and are to report to the mayor and council.

The license fees are as follows:—Wholesale, $25; retail, $1,000; retail beer license, $250.

Licensed premises, whether wholesale or retail, are required to be closed from ten at night till five in the morning. The premises where retail trade is carried on must have no screen, blinds painted black, or other obstructions to the view through the doors and windows, and, subject to a saving clause for bar-rooms in hotels, must front or have its main entrance on, and be substantially on a level with the public street, subject to a power to license for sale "in basements sufficiently open to view."

Conviction of an offence against the license law not only subjects the offender to fine and imprisonment, or both, but operates as a forfeiture of his license. Any one convicted of selling spirits under cover of a beer license is to be imprisoned for 30 days, as well as being fined. The mayor and council are to forfeit licenses of places becoming a nuisance or of evil repute by disorder thereat, or otherwise.

The penalty for drunkenness is a fine not exceeding $100, or imprisonment not exceeding 30 days, or both.

The police committee of Atlanta, in their annual report for 1891, say: "We believe that Atlanta has the liquor traffic, where the same exists at all, under the best control of any city in the Union; and though this is strong language, we use the same after mature consideration. It is impossible to get liquor after ten o'clock at night, and before five o'clock in the morning, or on Sunday at all; and under no circumstances are minors allowed in bar-rooms.

The number of liquor licenses isssued in 1891 was 84; also one brewer's license.

A system somewhat resembiing the Gothenburg system is in force in the city of Athens, in Clarke county. This city contains a population of about 9,000, and is the seat of the State university. Under a statute passed in August, 1891, three commissioners are appointed, of whom one retires annually, his place being filled by nomination of the two remaining commissioners, subject to the approval of the mayor-in-council. The duty of the commissioners is to determine and maintain a dispensary for the sale of liquors, and place it in charge of a manager under their supervision. He is paid a fixed salary, his remuneration being in no way dependent on the amounts of his sales.

All bills for the maintenance of the dispensary and purchase of stock are to be paid by the city treasurer.

The commissioners make regulations for the operation of the dispensary. "The quantity to be sold to any purchaser shall be determined by them, but in no event shall wine or liquor be furnished in less quantities than one half pint, and none shall be drunk in the building or on the premises where the dispensary is established. The dispensary shall not be opened before sunrise, and shall be closed

each day before sunset, and it shall be closed on Sunday, public holidays, election days, and such other days as the commissioners shall direct. Liquor is not supplied to any university student, except on the written order of the chancellor. The commissioners are to fix the prices to be charged for liquors, which, however, are not to be sold for a profit exceeding 50 per cent. above the actual cost, it being the purpose of this Act that the dispensary shall use it in such a way as to pay its expenses, and any revenue derived shall be simply an incident to, and not the object of the dispensary." Liquor is to be sold only in sealed packages. All of it is to be examined and analyzed by a chemist, and passed by him as pure before sale.

No liquor is sold for re-sale. Any profits are divided between the city of Atlanta and the county of Clarke.

The following table shows the number of convicts in the State penitentiary (State penitentiary report, 1890):—

| Year. | Colored Males. | White Males. | Colored Females. | White Females. | Total. | Net Increase. |
|---|---|---|---|---|---|---|
| 1888 | 1,336 | 149 | 52 | 0 | 1,537 | 157 |
| 1890 | 1,478 | 168 | 48 | 0 | 1,694 | |

From the above it will be seen that the negro race contributed 90 per cent, and the white race 10 per cent of the penitentiary population.

Mr. E. L. Fanshawe, in his work on liquor legislation in the United States and Canada, supplied the following information in regard to crime in the city of Atlanta, Georgia, extracted from the statistical information given in the yearly reports of the city. The offences for which the arrests were made, Mr. Fanshawe explains, were not classified. The years 1886 and 1887 were those in which prohibitory laws were in force. The population of Atlanta city in 1890 was 65,533. In 1880 it was 37,409:—

| ——— | 1883. | 1885. | 1886. | 1887. | 1888. | 1889. | 1890. | 1891. |
|---|---|---|---|---|---|---|---|---|
| Arrests | 5,578 | 6,305 | 5,578 | 6,138 | 7,817 | 10,379 | 12,837 | 13,351 |
| Fines in Recorder's Court | $20,800 | $21,900 | $23,800 | $27,700 | $28,200 | $37,000 | $46,400 | $41,100 |
| Amount collected for retail liquor licenses | $.... ... | $37,700 | $12,500 | $ 775 | $52,700 | $60,700 | $67,950 | $70,400 |

The number of police employed was as under:—

| 1883. | 1885. | 1886. | 1887. | 1888. | 1889. | 1890. | 1891. |
|---|---|---|---|---|---|---|---|
| 51 | 58 | 60 | 76 | 74 | 98 | 118 | 133 |

In 1889 the city limits were greatly enlarged, nearly doubled. The population largely increased, and it is stated that the efficiency of the police was much greater. In addition to these causes operating in bringing about a larger number of arrests, new city ordinances were created.

The United States' census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| — | 1890 | Per 1,000 of population. | 1880 | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 1,837,353 | ..... | 1,542,180 | ..... |
| Convicts in penitentiaries | 1,729 | 0·94 | 1,504 | 0·97 |
| Prisoners in county jails | 552 | 0·30 | 299 | 0·19 |
| Paupers in almshouses | 901 | 0·49 | 550 | 0·36 |
| Inmates of juvenile reformatories | ..... | ..... | ..... | ..... |

There is no juvenile reformatory in Georgia. (Census Bulletin, No. 72.)

*Proportion of coloured population.*

| | |
|---|---|
| Prisoners in penitentiaries (1890) | 90 per cent. |
| " jails (1890) | 80 " |

KENTUCKY.

The state is under license and local option.

The governor of the state in reply to a communication from this Commission says:—(Appendix No. 76.)

" Up to this time efforts in connection with dealing with the liquor traffic have been only in the way of local laws affecting certain designated districts, and by a general law by which each magisterial district may at certain periods by a vote of a majority prohibit the legal sale of liquor within such districts. These local or special bills, by which the liquor traffic is regulated in designated localities, are printed in the Session Act extending through a number of years, but are not incorporated in the general statutes, and hence an accurate list of the counties coming within the provision of such laws cannot be obtained without great trouble, but it is estimated that in about one-third the area of the state no whisky is sold, except surreptitiously and in violation of the law."

This system of special legislation which had been in force was superseded by the adoption of a new constitution in 1891. No fewer than sixty special liquor acts were passed in 1890 alone, some of them prohibiting the sale of liquor in the particular county or town, or within, one, two or three miles of a particular church or school; others providing for the taking of a local option vote; others giving licensing powers to certain municipalities; and, in one case at least, fixing a high license fee. In some instances the sale by retail, or in quantities less than the fixed amount, such as ten gallons, is alone forbidden.

The present general license law provides for the granting of licenses by the county court. Notice to be given of each application, and if the majority of the legal voters in the neighbourhood protest against it, it shall be refused. The county court determines what constitutes the "neighbourhood." The license shall not be granted unless the court believes the applicant is prepared with house, stabling, bedding and provender (the provision respecting stabling does not apply to cities having over 15,000 inhabitants), to keep an orderly, law-abiding tavern. The court must also be satisfied that the keeping of a tavern at the place proposed is necessary for the accommodation of the public. The court likewise is to fix the prices to be paid in taverns for liquor, lodging, stabling, etc.

A license-holder who furnishes liquor to a known inebriate is liable to a fine of $20; and if notice forbidding the supply of liquor to such person has previously been given, a relative is entitled by action to receive not less than a like amount.

The license taxes are as follows:—To keep a tavern. $10; if with privilege to retail malt liquors, $50; to retail spirituous and vinous liquors, $100; to retail spirituous, vinous and malt liquors, $150.

Local option provisions are contained in an act passed in 1874. The county judge, on petition from twenty voters in any civil district, town or city in the county, is required to cause an election to be held on the question whether or not spirituous, vinous or malt liquors should be sold in such district, town or city. If a majority is against the sale, any person selling is to be fined from $25 to $100 for each offence; but the prohibition does not extend to sales by wholesale, nor to sales by druggists for medicinal purposes, on a medical prescription. An election under this law can only be held once in every two years.

A local option bill, intended to supersede this act, was introduced in the Legislative session of 1893; but it does not appear to have been passed.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions from crime, are available.

| —— | 1890. | Per 1,000 of the population. | 1880. | Per 1,000 of the population. |
|---|---|---|---|---|
| Population | 1,858,635 | ..... | 1,648,690 | ..... |
| Convicts in penitentiaries | 1,235 | 0·66 | 802 | 0·49 |
| Prisoners in county jails | 646 | 0·35 | 471 | 0·29 |
| Paupers in almshouses | 1,578 | 0·85 | 1,366 | 0·83 |
| Inmates of juvenile reformatories | 273 | 0·15 | 223 | 0·13 |

## MARYLAND.

The State of Maryland in the year 1894 passed an Act providing for the treatment of habitual drunkards. A copy of it will be found in appendix No. 127. It provides that the drunkard himself assenting, the relation of any such person, or friends, may petition for his removal to some establishment for the treatment of drunkards, and if the facts alleged are proved to the satisfaction of a judge of the circuit court, and it is a case deserving of financial assistance, the said judge may send the drunkard to some institution for the treatment of drunkards, at an expense not to exceed $100, to the county in which he resided, or the city of Baltimore, if he resides therein. The same person cannot be committed a second time at the expense of the county or city.

Maryland, according to the United States Internal Revenue reports, had

| | Wholesale. | Retail. | |
|---|---|---|---|
| In 1878 | 217 | 4,887 | Liquor dealers. |
| In 1889 | 183 | 6,223 | |

The figures included the district of Columbia from October 2nd, 1876 to June 30th, 1887, and the States of Maryland and Delaware and the district of Columbia since July 1st, 1887.

The state has a law passed in 1886 requiring scientific temperance instruction in the public schools.

The Encyclopedia of Temperance and Prohibition gives many interesting facts respecting legislation in regard to the liquor traffic in this State. It appears that as far back as 1642, it was provided that drunkenness soould be punished by a fine of 100 pounds of tobacco, or, if the offender was a servant and not able to pay, imprisonment, or to be set in the "*bilbos*," and to fast for 24 hours. In 1858 drunkenness was punished by confinement in the stocks for six hours and a fine of a 100 pounds of tobacco—half to the informer,—and for a second offence, by public whipping or a fine of 300 pounds of tobacco; for the third offence the offender was adjudged infamous

and disfranchised for three years. In 1662 there was legislation having for its object to encourage honest persons to set up "ordinaries." In 1666 their scale of charges having been complained of, was regulated by legislation. In 1746 it was provided that licenses were to be granted by the justices of each county. In 1846 there was legislation of the character of local option and local prohibition.

The law as it existed in 1889 is a license law. It provides that any person intending to sell spirituous or fermented liquors or lager beer in quantities less than one pint, shall make application to the clerk of the Circuit court or of the Common Pleas at Baltimore, for a license therefor. It describes the amounts to be paid, which are based on the value of the stock of liquor to be kept on hand, the formalities to be complied with, and sets forth certain persons to whom licenses are not to be granted. The clerk is not, without a special order of a judge, to grant a license to any person to sell liquor from whom the grand jury has recommended a license to be withheld, nor to any person, who being previously the holder of a license, has had it suppressed by the court. No license is to be issued to a married woman or a minor, without the special order of a judge, and no judge is to give such order without the recommendation of at least ten respectable freeholders of the ward or district. Any person carrying on a shad, herring, or ale-wife fishery may obtain a license to sell liquors during the fishing season on payment to the clerk of the court of a sum of $6.00

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime, are available.

| | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 1,042,390 | ..... | 934,943 | ..... |
| Convicts in penitentiaries | 690 | 0·66 | 685 | 0·73 |
| Prisoners in county jails | 163 | 0·16 | 148 | 0·16 |
| Paupers in almshouses | 1,599 | 1·53 | 1,187 | 1·27 |
| Inmates of juvenile reformatories | 1,061 | 1·02 | 759 | 0·81 |

## MICHIGAN.

This state is under license and local option.

The Secretary of State, in reply to a communication addressed to the Governor by this Commission, says:

"Our prohibition law, which is in effect, was not enacted until 1889, and only five counties have put it into effect, and four of these within the last four months. The first county to adopt it had considerable trouble in enforcing the law, as its officers were not in sympathy with the measure. But have since got the matter well in hand, and are carrying out the law to the entire satisfaction of the people who favour it." (Appendix 76.)

The state constitution contained a provision prohibiting the legislature from passing an act authorizing the granting of licenses for the sale of intoxicating liquors. Prohibition prevailed in the state (with an interval of only two years) from 1853 to 1875. In 1876 a resolution antagonistic to the provision in the constitution respecting the liquor trade was carried by a vote of the people.

In 1887 a prohibitory amendment to the constitution was submitted to the people, and was defeated by the following vote:—For the amendment, 178,636; against, 184,281; majority against, 5,645. The vote showed conclusively that agricultural counties favoured prohibition, while the cities and lumbering districts were opposed to it. Accordingly the state is divided into license and prohibition communities on this basis. The state is under the License Act of 1887 wherever the sale of liquor is not prohibited under the local option law.

The following is a summary of the existing license law:—

Every liquor dealer is obliged every year, before the first of May, to make a statement as to his name, place of business, etc., and to pay the license tax. He has also to enter into a bond of not less than $3,000, or more than $6,000, with two sureities, male freeholders of the town or village.

It is the duty of every police officer or other person having knowledge of any violations of the act to inform the county attorney, and it is the duty of the county attorney to prosecute. If any officer wilfully neglects or refuses to do his duty, he is liable to a fine of $100 for each offence, and the governor may appoint someone else to act for him.

Liquor may not be sold in a theatre or place of amusement; and saloons must be closed back and front on Sundays, election days or holidays; and from 9 p. m. to 7 a.m., except in cities and incorporated villages, where the hour for closing may, by local ordinance, be postponed till 11 p.m.

Anyone who has been intoxicated in any public building or place may be compelled to appear and give testimony in regard to the person or persons from whom, and the time when, and the place where, the liquor was procured. According to his answer, proceedings are taken against anyone who appears to have violated the law; but he himself is not to be prosecuted for his intoxication.

In addition to the usual civil damage clause, both actual and exemplary damages are recoverable by a parent or master for the illegal sale of liquor to a minor.

The village and city marshals, or the police, are required to visit weekly all places where liquor is sold or kept, and to prosecute all offenders against the liquor law.

The adulteration of liquor is made a misdemeanor, punishable by fine from $50 to $500, or imprisonment from ten days to six months, or both; and all casks are to be branded "pure from drugs or poison." The section of the Act is in the following terms:—

"If any person shall adulterate any spirituous or alcoholic liquors used or intended for drink, by mixing the same in the manufacture or preparation thereof, or by process of rectifying or otherwise, with any deleterious drug, substance or liquid which is poisonous or injurious to health, or if any person shall sell or offer to sell any wine or spirituous or alcoholic liquors, or shall import into this State any wine or spirituous or intoxicating liquors, and sell or offer for sale such liquors, knowing the same to be adulterated, or shall sell or offer to sell any spirituous or intoxicating liquors from any barrel, cask or other vessel containing the same, and not branded as hereinafter provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500, or less than $50, and shall be imprisoned in the jail of the county not more than six months or less than ten days."

During the hours of closing all screens, etc., obstructing the view from the street must be removed.

The license fees are as follows:—

Retail, $500; wholesale, or retail, or both, for malt liquor only, $300; wholesale for spirituous liquors, $500; wholesale and retail, $800; brewers, $65; distillers, $800.

The number of liquor licenses issued in the whole State is shown on the following tables:—

| Licenses. | 1885. | 1890. |
|---|---|---|
| General:— | | |
| Wholesale | 38 | 30 |
| Retail | 2,915 | 2,506 |
| Beer and Wine:— | | |
| Wholesale | 20 | 55 |
| Retail | 1,183 | 1,678 |
| Tax paid by Retailers;— | | |
| General | $824,014 | $1,186,318 |
| Beer and Wine | 211,946 | 479,154 |

Ratio of retail licenses to population, 1 to 500.

See Fanshawe, p. 284.

The local option law of 1889 may be thus summarized :—

It is provided that the Board of Supervisors of any county may prohibit the sale of liquor in their county by resolution, passed after a vote of the electors in the county has been cast in favor of prohibition. A popular vote has to be taken, on a requisition from one-fourth of the qualified electors in the county. The Board of Supervisors, however, is not bound by the popular vote; but it is decided by a vote of the Board whether the prohibitory resolutions shall be passed. The resolution once passed cannot be revoked for two years, and then only if a popular vote has been passed in favor of its revocation.

Statements of arrests in some of the principal places in the State will be found in Appendices Nos. 147 to 150 inclusive.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 2,093,889 | ..... | 1,636,937 | ..... |
| Convicts in penitentiaries | 1,108 | 0·53 | 1,183 | 0·72 |
| Prisoners in county jails | 399 | 0·19 | 220 | 0·13 |
| Paupers in almshouses | 1,916 | 0·91 | 1,746 | 1·07 |
| Inmates of juvenile reformatories | 696 | 0·33 | 314 | 0·19 |

## MISSISSIPPI.

A license law with what are practically local option conditions exists in this state.

An interesting letter from His Excellency Governor Stone will be found in Appendix, No. 76.

In this letter he explains that during the last twenty years they have had so much legislation on the subject of the liquor traffic in the State of Mississippi, that it is impracticable to furnish a copy of the laws; that there have been local prohibitory laws enacted, and that the sale is prevented in many counties in the State under what is called local option. The provisions of a new code, which took effect in November, 1892, authorize the Board of County Supervisors to grant licenses to persons residing in their respective counties, but not within a city, town or village. The corporation authorities of cities, towns and villages are authorized to grant licenses for twelve months, but no such licenses are to be granted unless a majority of the qualified voters of a district, city, town or village, sign a petition in favour of such granting. Heavy penalties are imposed for sale on the Sabbath, and for selling to minors, to intoxicated persons or to habitual drunkards.

The following is Governor Stone's answer to the specific questions asked by the Commission :—

("*a.*) There has been a gradual decrease in the sale and use of intoxicating liquors."

("*b.*) There has been a marked diminution in drunkenness."

("*c.*) The number of criminals has been very greatly reduced."

("*d.*) There is no perceptible change in the number of poor persons requiring to be assisted by the state, the municipality or other means."

("*e.*) The malady of insanity continues to increase, notwithstanding the reduction in the use of liquor."

("*f.*) The expenditures of the State have been reduced in the same ratio as crime has been reduced"

He expresses his regret that he cannot give a more accurate reply, for the reason that the necessary data are not obtainable, no statistics being kept in the State.

The United States census returns supply the following information. No statistics of commitments to gaols, or convictions for crime, are available:—

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 1,289,600 | ..... | 1,131,597 | ..... |
| Convicts in penitentiaries | 429 | 0·33 | 1,088 | 0·96 |
| Prisoners in county gaols | 284 | 0·22 | 206 | 0·18 |
| Paupers in almshouses | 494 | 0·38 | 345 | 0·30 |
| Inmates of juvenile reformatories | ..... | ..... | ..... | ..... |

There is no juvenile reformatory in Mississippi. (Census Bulletin No. 72.)

## MONTANA.

The state is under a general license law, regulated by municipalities.

The governor of the state, in a communication to this Commission, says: "The "saloons run wide open night and day, Sundays included. While there is a great "deal of drinking, there is very little drunkenness, and anyone in an intoxicated "condition is promptly arrested and fined." (Appendix 76).

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| —— | 1890. | Per 1,000 of the population. | 1880. | Per 1,000 of the population. |
|---|---|---|---|---|
| Population | 132,159 | ..... | 39,159 | ..... |
| Convicts in penitentiaries | 225 | 1·70 | 53 | 1·35 |
| Prisoners in county jails | 193 | 1·46 | 23 | 0·58 |
| Paupers in almshouses | 132 | 1·00 | ....* | ..... |
| Inmates of juvenile reformatories | ..... | ..... | ..... | ..... |

* No information for 1880. There is no juvenile reformatory in Montana. (Census Bulletin, No. 72).

## TEXAS.

The state is under local option law.

The Secretary of State of Texas, writing to this Commission, says:—(Appendix 76.)

"You are respectfully advised that this state has no prohibitory legislation experience, or statistical data relative to the effect of intoxicating drinks.

"The only laws of the kind in force in this state are our laws which give to counties and subdivisions of counties the right—by election for such purposes—to have local option; that is to decide that, with certain localities, intoxicating drinks shall not be sold."

Under the law the Commissioners' Court for each county, (whenever it deems it expedient), may order an election to be held in the county or for any justice's precinct, town or city therein; and it is bound to grant an election when petitioned by 200 voters of the county or 50 voters in any justice's precinct, town or city.

An interval of two years must elapse between the holding of elections. The failure to carry prohibition in one area does not prevent a vote being taken in another area, wholly or partly including the former.

The penalty for illegal selling in the prohibition area is a fine from $25 to $100 and imprisonment for from 20 to 60 days; for keeping a "blind tiger" imprisonment from two to twelve months, and a fine from $100 to $500, and a separate offence for each day. "Blind tiger" is defined to mean "any place in which inioxicating liquors are sold by any device whereby the party selling or delivering the same is concealed from the person buying or to whom the sale is delivered."

Every licensee must enter into a bond of $5,000 with at least two sureties approved by the county judge, as security for obedience to the law and for keeping "an open, quiet and orderly house." On breach of any condition the county attorney is to proceed for the recovery of $500 on the bond.

The state liquor tax for retail sale is from $50 (for malt liquor only) to $300. The Commissioners' Court of the several counties may levy an additional tax equal to one-half the state tax; and incorporated cities and towns may levy an additional tax equal to that levied by the Commissioners' Court.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 2,235,523 | ..... | 1,591,749 | ..... |
| Convicts in penitentiaries | 3,319 | 1·48 | 2,293 | 1·44 |
| Prisoners in county jails | 1,040 | 0·46 | 826 | 0·52 |
| Paupers in almshouses | 464 | 0·21 | 210 | 0·13 |
| Inmates of juvenile reformatories | ..... | ..... | 8 | ..... |

There is no juvenile reformatory in Texas. (Census Bulletin, No. 72.)

## VIRGINIA.

A letter from the Assistant Attorney General, dated the 28th June, 1892, and another from the Secretary of the Commonwealth of Virginia, 10th January, 1894, will be found in Appendix No. 76.

The state is under license and local option. The law is contained in the Code of Virginia of 1887.

A State Board of Commissioners of Excise appoints three commissioners for every city in the State to act as a licensing board. They inquire as to the suitability, convenience and appropriateness of the place which it is proposed to license, and the character of the applicant. Petitions of resident citizens for and against the application are considered by the board, which has the power to summon witnesses. At their discretion the board may approve or disapprove of the application. Any person who thinks he would be aggrieved by the granting of the license may protest against it. In the event of an application being granted, the licensee is compelled to file a bond of not less than $250 or more than $500 that he will faithfully comply with the law. There is an appeal to the circuit court against either the granting or refusing of a license.

Three kinds of licenses are issued:—wholesale, five gallons or more, and in the case of beer 12 bottles or more; retail, not exceeding five gallons, for consumption off the premises; bar-rooms, ordinary or malt liquor saloons, for consumption on the premises only.

The license taxes are as follows:—wholesale, $350; wholesale, malt liquor only, $150; retail, from $75 to $125; malt liquor only, $30; bar-rooms, from $75 to $125, and 15 per cent. of the rent; malt liquor saloons, from $40 to $125, with an addition of 8 per cent. of the rent.

For selling liquor on election day the fine is not exceeding $1,000, and imprisonment not exceeding one year.

By section 3,798 of the Code, it is provided that: "If any person, arrived at the age of discretion, profanely curses or swears, or gets drunk, he shall be fined by a justice one dollar for each offence."

By the local option clauses of the Code it is provided that an election shall be held on the question of granting or prohibiting licenses in magisterial districts in counties, on the application of one-fourth of the persons voting at the last preceding November election. A local option election is not to be held within 30 days of any county, corporation, state or national election. A no-license vote extends to prohibiting within the area affected the sale by distillers and by manufacturers of wine or malt liquors.

The United States census returns supply the foliowing information. No statistics of commitments to jails, or convictions for crime, are available:—

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 1,655,980 | ..... | 1,512,565 | ..... |
| Convicts in penitentiaries | 1,167 | 0·70 | 1,087 | 0·72 |
| Prisoners in county jails | 390 | 0·24 | 266 | 0·18 |
| Paupers in almshouses | 2,193 | 1·32 | 2,117 | 1·40 |

There is no juvenile reformatory in Virginia.—(Census Bulletin, No. 72.)

## WASHINGTON.

The state is under a license system.

The governor of the state, in a communication to this Commission says:—(Appendix 76.)

"License system was in force during the entire period of territorial existence of Washington, and has been continued since the organization of the State Government. The fees for license, both in municipalities and outside thereof, are determined by the munipalities themselves, and by the county commissioners outside of municipalities; hence there is no uniformity in this particular. The license fee ranges from $300 to $1,000.

"At the time of the adoption of our state constitution, the question of prohibition was submitted to a popular vote of the citizens of the State. The result was as follows: For prohibition, 19,546; against, 31,487; majority against, 11,914."

The law provides that it is the duty of the county commissioners of each county to appoint at least one suitable person for each village or neighbourhood where spirituous liquors are sold in less quantities than a gallon, whose duties shall be to inspect all the liquors to be sold in less quantities than a gallon. The inspector is authorized to mark such liquors on the packages if he finds them free from adulteration; but if adulteration is found, he shall retain possession, and an analysis shall be made, when if found impure the liquor shall be destroyed. Failure to faithfully discharge his duty renders the inspector liable to conviction for misdemeanor, a fine of $50 for each offence, and forfeiture of his appointment.

All liquors sold must be approved by the inspector, and if any person shall sell liquor without such inspection he shall be imprisoned in the county jail for not more than six months, and fined not more than $500. The inspector receives as fees 50 cents per barrel and 12½ per dozen bottles. The board of county commissioners has the exclusive authority and power to regulate and restrain license, or to prohibit the sale of spirituous, fermented, malt or other intoxicating liquors outside the limits of each incorporated city, town or village. The license fee varies

from $300 to $1,000, which is paid to the county treasurer, who puts ten per cent. of the amount into the fund of the State treasury, 35 per cent into the county school fund, and 55 per cent into the general county fund.

The mayor and council incorporated cities, towns and villages have exclusive authority to regulate license or prohibit the liquor traffic. The license fee is not less than $300 nor more than $1,000, which is payable to the treasurer, who pays 10 per cent into the general fund of the State treasury, and 90 per cent into the general fund of the city or town. Each licensee is compelled to enter into a bond in the sum of $1,000 to faithfully obey the law. The right of action is given against licensees who sell to habitual drunkards. Any licensee selling to minors is liable to a fine not exceeding $500 or three months imprisonment, or both. Sale to Indians is prohibited, and the penalty is imposed of from $25 to $100 for each offence.

The owner of property in which liquor is sold, and by which intoxication ensues and damage results, is liable to make compensation as well as the vendor of the liquor. He may sue the vendor by civil action for the recovery of any amount he may have to pay. The minor over 18 and under 21 years of age representing himself as being of age, for the pupose of getting liquor, renders himself liable to a fine of not less than $25 or more than $100, with the alternative of imprisonment for a period not exceeding three (3) months.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 349,390 | ..... | 75,116 | ..... |
| Prisoners in penitentiaries | 251 | 0·72 | 54 | 0·72 |
| Prisoners in county jails | 141 | 0·40 | 27 | 0·36 |
| Paupers in almshouses | 71 | 0·20 | 11 | 0·15 |
| Inmates of juvenile reformatories | ..... | ..... | ..... | ..... |

There is no juvenile reformatory in Washington. (Census Bulletin, No. 72).

## CONNECTICUT.

The law of this state embodies prohibitive and license provisions—local option and license.

The "Maine law" was enacted in 1854; but was gradually weakened by amendments, until, in 1872, it was repealed, and was succeeded by a system of license and local option which never satisfied the temperance people. In 1882 a prohibition amendment was proposed for submission to the people, but was repudiated in 1883, only to be brought forward again in 1887. It was not until 1889, however, that the amendment was submitted, and it was defeated, the vote being 22,379 for prohibition, and 49,974 against, giving a majority against the amendment of 27,595.

### THE LAW.

The law now in force was then passed. It provides:—

Upon petition of twenty-five legal voters of any town the select men thereof shall, at the next annual town meeting, hold a ballot for and against the issuing of licenses for the sale of intoxicating liquors in that town; the vote then taken to remain in force until annulled by a new vote taken at an annual town meeting.

The county commissioners license persons to sell; must investigate complaints preferred by any prosecuting agent, and have power to revoke licenses without appeal. No commissioner may be directly or indirectly connected with the trade, or become bondsman for a licensee.

All applications for license must be in writing, signed by the applicant and endorsed by five electors and taxpayers of the town, and must specify the premises to be used. No one can endorse more than one application for license; nor may he be a licensee, or any applicant for license. The application must be certified by the town clerk, who shall advertise it for two weeks before the commissioners consider it. Any citizen of the town in which the applicant seeks to do business may lodge an objection with the licensing board to the granting of any license, and the objection shall be heard after suitable notice has been given to the parties.

No license can be issued until the licensee has lodged with the treasurer of the county a joint and several bond of the amount of $300, that he will comply with the provisions of the law. No bondsman may be a licensee, or security under more than one bond.

The minimum license fee is $100, the maximum $500. In towns of not over 3,000 population the fee for the sale of spirituous liquor is $100, and for the sale of ale, beer, lager, cider and Rhine wine, to be drunk on the premises, $50. Any druggist, upon producing his pharmacy license, may be licensed to sell spirituous and intoxicating liquors, on physician's prescription; license fee, $12, or in towns of less than 5.000 population $10, and any druggist may be licensed to sell spirituous or intoxicating liquors in quantities not exceeding one gallon; and other than distilled liquors in quantities not exceeding five gallons, on payment of a fee of $50. Druggists may receive the former license, for medicinal purposes only, in towns that have voted against license. These licenses do not authorize the sale for consumption on the premises.

The conviction of any licensee of itself renders his license forfeited, nor can he obtain a renewal for one year.

### PENALTIES.

For selling without a license, first offence, not exceeding $50; second offence, $50 and thirty days imprisonment; third and every subsequent offence, $100 and sixty days' imprisonment.

For keeping a bar without a license, $30.

For in any way supplying minors, an intoxicated or prohibited person, or habitual drunkard, not exceeding $50, or imprisonment for not less than ten or more than sixty days, or both.

For selling on election day, $50.

For selling illegally between 12 midnight and 5 a.m., not less than $25, nor more than $50.

For any druggist making any violation of the law, not less than $50, nor more than $100.

For keeping or selling adulterated liquor, not exceeding $250.

### MISCELLANEOUS.

Prosecutions may come before any justice of the peace.

The county commissioners, subject to the approval of a judge, shall appoint prosecuting agents for each town, as many as may be deemed necessary, whose duty it shall be to prosecute under the law.

When any town has vetoed the issuing of licenses, the select men shall appoint one town agent for every 5,000 inhabitants, such agent to be removeable at pleasure. These agents shall purchase and sell intoxicating liquors, within the limits of their own town, for sacramental, medicinal, chemical and mechanical uses only. The agent must give bonded security to the amount of $500, must sell at a fixed limit of profit, must fully account to the selectmen when required, regarding his dealings, and shall receive fixed and stipulated compensation, which shall not be increased or diminished by the extent of his dealings.

Concerning adulteration, the Act says:—"Each state chemist shall analyze all samples of intoxicating liquor presented to him for that purpose by any legal

officer; keep a record of all such samples, stating the kind of liquor, the name and address of the person from whom he received it, and the result of his analysis, and furnish attested copies of said record for publication, at least four times a year."

The average number of convicts in confinement in the state prison for the two years 1891-92 was 291.

The directors of the state prison in their annual report for 1892, say: "While the prison population has been stationary, or, considering the gain in the census of the state, has been diminishing, the population of the jails, notably in the principal counties, has increased so rapidly and materially as greatly to embarass the county officials and create a demand for extensive additions to the cell room."

The number of inmates in the insane asylum, June 30, 1892, was 1,506, or 2·02 per 1,000 of the population of 1890.

The Commission is indebted to the governor of the state (1893) for copies of the liquor law, the public acts of 1889, and the reports of the state prison and the hospital for the insane. (See Appendix No. 76.)

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 746,258 | ..... | 622,700 | ..... |
| Convicts in penitentiaries | 340 | 0·46 | 252 | 0·40 |
| Prisoners in county jails | 675 | 0·90 | 431 | 0·69 |
| Paupers in almshouses | 1,438 | 1·93 | 1,418 | 2·28 |
| Inmates of juvenile reformatories | 626 | 0·84 | 429 | 0·69 |

## DELAWARE.

This state is under high license.

The Governor of the State, in a communication to this Commission, says:—(Appendix 76).

"We have what may be termed a high license liquor law in this State. It has been in force for five years, and its practical results seem to be satisfactory."

The history of legislation on the liquor traffic in Delaware dates back to the year 1740. In that year a law was passed requiring all keepers of inns or alehouses to obtain licenses of the Governor, by recommendation of the Justices of the Court of Quarter Session; and none but fit persons, with suitable places, were to be recommended. A simple code of regulations was framed, including several penalties for common offences, and a third conviction with punishment with loss of license and disqualification for three years. The justices were to settle the rates and prices at such houses, which were to be posted. No sheriff or jailer could keep a tavern or sell liquor to prisoners. Selling without a license incurred a penalty of £5.

In early state days the same law, with some very slight modifications has maintained. The license fee was introduced, being fixed at $12.

In 1841 the power of granting licenses was transferred to the city council in Wilmington, and in 1845 the tavern license, including the right to sell spirituous liquors, was fixed at $12, the fee for keeping a tavern without such right being only $5. The penalty for selling without a license by the latter class was $14.

In 1847 "License or no license" (in fact prohibition, pure and simple), was submitted to the people to decide. This was declared unconstitutional as a delegation of the legislative authority to make laws. Tavern-keepers were prohibited from selling liquor, under a penalty of $20 for a first and $50 for a second offence. Later, a recommendation from the majority of the ratepayers of any school district was required, together with a recommendation to the Governor by the Judges of

Quarter Session, before a license could be obtained. The fee was $25; penalty for violation $20. This did not apply to tavern-keepers who were allowed to sell for consumption on the premises. Alehouses were completely prohibited.

In 1885 an act similar to that of Maine was passed, but, with the preceding, was repealed in 1857. In this year a return was made to the system of license; fees being fixed at $20 to $50, without recommendation. In 1861 a recommendation from the grand jury was made requisite, and in 1864 this was changed to a recommendation from the Judges of Quarter Session.

Several other changes gradually crept in, but since 1889 the law has remained very much the same. The Secretary of State furnishes licenses to the clerk of the peace to issue. Any retailer of goods or druggist of good character, whose stock is of the value of $500, may be licensed; but a druggist must retail in quantities greater than a quart, and other traders of more than half a gallon. An applicant for license must file his application, accompanied by a certificate of 12 citizens, in Wilmington of 24, and shall publish his intention to apply three times in two papers. The court of General Session considers all applications, marking them approved or disapproved, according to its intention that the license shall or shall not issue. Sales are prohibited on Sunday, and election day, to minors, insane persons or chronic drunkards; penalties, first offence, $50 to $100; second offence, forfeiture of license and disqualification for two years. No license authorizes any person to sell intoxicating liquors, but authorizes sale upon certain premises named in the application, and of which the applicant is the owner. Judgements for violation of the law form liens upon the premises. A druggist must depose to not selling more than $75 worth in one year. A tax of 10 cents a gallon is levied on all liquor manufactured. Relatives of known drunkards can recover actual and exemplary damages, not excessive, from persons selling them liquor, in case they meet with any accident. The fees are: tavern license in towns over 10,000 inhabitants, $300; elsewhere, $200; druggist's license, $20; retailer of merchandise, $100. No blinds, screens or frosted glass are allowed, penalty $50 to $100.

The United States census returns supply the following information. No statistics of commitments, to jails or convictions for crime, are available:—

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 168,493 | ..... | 146,608 | ..... |
| Convicts in penitentiaries* | ..... | ..... | ..... | ..... |
| Prisoners in county jails | 139 | 0·82 | 81 | 0·55 |
| Paupers in almshouses | 299 | 1·77 | 387 | 2·64 |
| Inmates of juvenile reformatories | 45 | 0·27 | No return. | |

A note appended to United States Census Bulletin No 31 explains that Delaware has no penitentiary.
*No information.

## NEVADA.

This state is under a license law.

The governor of the state, in reply to a communication from this Commission wrote (Appendix 76):—

"We have laws prohibiting sale of liquor to Indians, to minors, to imbeciles, and requiring hotels and saloons to close all bars at 12 p.m. Also a law requiring the public schools to teach the effect of intoxicants and narcotics. We also had an anti-treating law, but it was repealed for non enforcement. The 12 o'clock closing law has been bitterly fought and contested in the courts. It was upheld by the supreme courts, and at the last legislature its repeal was passed, but Governor Colcord vetoed it, and his veto was sustained by a small majority. It has materially aided in securing a reduction in the number of criminals."

*License laws of the State of Nevada.*

By the Revenue Act of the first session of the legislature in 1861, the tax on liquor licenses was put substantially as it has remained in the revenue laws since passed. The laws now in force have been enacted at different times, but the policy of the law has not changed.

It is unlawful to retail liquor within one-half mile of the State prison, upon penalty of $50 to $500, or imprisonment from 25 days to six months.

Every person selling liquor to minors or mental imbeciles without written or verbal order from parent or guardian shall be fined $25 to $100, or imprisonment not exceeding sixty days.

Selling to Indians is subject to a fine of $100 te $500, or imprisonment one to six months, or both. (This was amended in 1887 to a fine not exceeding $1,000, or imprisonment not exceeding two years, or both.)

Licenses shall be posted conspicuously in the place of the business, or $10 to $100 be forfeited.

Anyone knowingly selling any adulterated liquor shall be fined not more than $500, or imprisoned not more than six months.

None (hotel-keepers excepted) may keep open a place for selling liquor between 12 p.m. and 6 a.m., upon penalty of $2-)0 to $500, or imprisonment 30 days to six months, or both,

There is a law requiring scientific temperance instruction in the public schools.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| —— | 1890. | Per 1,000 of the population. | 1880. | Per 1,000 of the population. |
|---|---|---|---|---|
| Population | 45,761 | ..... | 62,266 | ..... |
| Convicts in penitentiaries | 96 | 2·10 | 150 | 2·41 |
| Prisoners in county jails | 54 | 1·18 | 49 | 0·79 |
| Paupers in almshouses | 43 | 0·94 | 95 | 1·53 |
| Inmates of juvenile reformatories | ..... | ..... | ..... | ..... |

There is no juvenile reformatory in Nevada.

A report of the Nevada State Prison shows for the year ended December 31st, 1890, a total of 91 prisoners, classified as follows:—Claimed to be temperate, 16; drink moderately, 65; drink to excess, 10.

The patients in the insane Asylum, December 20th, 1890, numbered 181; at the same date in the previous year, 167. Of 64 admitted in the year 1890, 14 were classified as having been affected by liquor, namely, ardent spirits, 4; alcoholism, 3; intemperance, 7.

RHODE ISLAND.

The state is under a license law.

On three occasions the votes of the people have been taken on the question of a prohibitory law. Such a law was enacted in 1852, and continued in force till 1863, when it was replaced by a license law. Again, prohibition was in force from 1874 to 1875, when a license and local option law was substituted. In 1886 a constitutional amendment in favour of prohibition was submitted to the people, and was adopted by 15,113 to 9,230 votes, a majority of 5,833, or more the necessary three-fifths. The question was re-submitted in 1889, when there voted, for prohibition, 9,956; against, 28,315; majority against, 18,359.

The non-enforcement of the prohibitory law was thus referred to by Gov. Davis in his message to the Assembly in 1888:—

"The chief of the State police has been diligent in his office, and the law he was especially appointed to administer has been enforced as far as punitive influence within his control can effect it. That the law is not more efficient—and it is sadly inefficient—is for want of a sufficient public sentiment to enforce it. It is a thankless task to attempt to enforce a law which has not the hearty moral support of the community to sustain it. Laws may represent public opinion, but their enforcement is dependent almost wholly upon the public will, as contradistinguished from public opinion; and without a will the way will not be found."

Governor Taft reported to the Legislature in the following year, although the prohibitory law had been in force two and one-half years: "The operation of the law prohibiting the manufacture and sale of intoxicating liquors is, as yet, very far from being satisfactory."

The governor of the state, in a communication to this Commission through his Executive Secretary, dated May 24th, 1892, (Appendix 76), said:

"In 1886 a prohibitory amendment was engrafted on our constitution by a popular vote of 15,113 for, to 9,230 against. In 1889 this amendment was anulled by a vote of 28,315 to 9,956. The strong popular support for the repeal of the prohibitory amendments (outside either the liquor trade or the political prohibitory party), was due to a prevailing belief, from the experience of the three years' trial, that the traffic in intoxicating beverages was only partially controlled thereby, and that the necessary effort and expense, due to costly official supervision and loss of revenue from license fees, were somewhat out of proportion to the results achieved. The existing law permits of local option, and since its passage, following the repeal of the prohibitory constitutional amendment, has been subject to remarkably little criticism, either from the liquor trade or the citizens generally, who seek to control the traffic rather than suppress it altogether."

Under the present Act the State acquired from license fees in 1891, nearly $100,000, the total amount secured from the traffic being $400,000, three-fourths of which went to the cities and towns.

The governor adds:

"Of the 36 towns in the state, 16 are under 'no license' local prohibitory laws at present, and the local control is believed to be satisfactory."

The present law, enacted at a special session of the Legislature held in 1889, is designated, "An Act to regulate and restrain the sale of strong, malt and spirituous liquors." It may be summarized as follows:

Town Councils, and in cities boards of commissioners appointed by the mayor, constitute the body authorized to grant licenses for the manufacture and sale of pure liquor to such citizens resident within the state as they think proper.

Notice of application must be given, and remonstrance must have the opportunity of being heard. A license shall not be granted where "the owners or occupants of the greater part of the land within 200 feet of such place for which license is desired shall file with the board their objection to the granting of such license." The licensee is compelled to give a bond of one thousand dollars, with two residents of the town or city as sureties, for compliance with the law and payment of all costs and damages incurred through violation of it.

Except in the case of licensed taverns, a license may not be granted for any place which is connected with interior communication with the dwelling-house, "or to which an entrance shall be allowed other than directly from a public travelled way."

The fees for licenses are as follows:—For a license to manufacture, or sell at wholesale and retail, not less than $500 or more than $1,000; for a license to sell at retail only (less than two gallons) in the city of Providence, $400; in all other cities and towns of over 15,000 inhabitants, $350; in towns from 600 to 15,000 inhabitants, $300; in all other towns, not more than $300 or less than $200.

The sale of liquor on Sundays, or to any minor or person of notoriously intemperate habits, or (for consumption on the premises) to any woman, is prohibited.

A licensee is not authorized, "to sell or furnish intoxicating liquors to any person on a pass-book or order on a store, or to receive from any person any goods, wares, merchandise or provisions in exchange for liquors."

The punishment for illegal selling or keeping for sale is a fine of $20, and imprisonment for ten days, with increasing penalties after repeated convictions. The penalty for selling to any woman any intoxicating liquors to be drunk upon the premises, or to any minor, is $100 and imprisonment from ninety days to one year, and to be disqualified for five years from holding any license. Anyone convicted as an illegal manufacturer or "common seller" is to be fined $100 and imprisoned for ninety days, which punishment is doubled on subsequent convictions.

A licensee may be summoned before the licensing authority for permitting his place to become disorderly, "so as to annoy and disturb the persons inhabiting or residing in the neighbourhood," or for permitting gambling or any violations of the laws of the state; and if proved guilty, he shall lose his license and be disqualified for five years.

For selling to a woman for consumption on the premises, or to a minor, or allowing a woman or minor to loiter on premises where liquor is sold, the husband of the woman, or parent or guardian of the minor may recover $100 in an action of debt for each offence.

Notice not to sell may be given by the husband, wife, parent, child, guardian or employer of an habitual drunkard, and damages, if such ensue, may be recovered for sale within six months after notice.

All obstructions to the public view of the premises must be removed on Sunday.

Special constables appointed by town councils and sheriffs of counties and their deputies are authorized to enforce the law.

Special provisions provide for local prohibition, if desired by the people. A local option vote is to be taken at each election of general officers, on a requisition of 15 per cent (in cities 10 per cent) of the number of voters taking part in the last two general elections. If the majority is against license, none shall be granted; if it is the reverse, "the licenses under the proviso of this Act shall be granted," until an adverse verdict is rendered.

STATEMENT showing the total number of persons committed to prison, the number committed for drunkenness and for infractions of the liquor laws, with the number of each per 1,000 of the population for the years 1888-89-90-91-92, in the State of Rhode Island.

| Year. | Population. | Total commitments to jails and houses of correction. | Commitments per thousand. | Commitments for drunkenness. | Commitments for drunkenness per thousand. | Commitments for offences against the liquor laws. |
|---|---|---|---|---|---|---|
| 1888 | 345,000 | 2,659 | 7·70 | 1,440 | 4·18 | 24 |
| 1889 | 345,500 | 3,019 | 8·74 | 1,517 | 4·4 | 46 |
| 1890 | 346,000 | 3,006 | 8·69 | 1,677 | 4·81 | 10 |
| 1891 | 346,000 | 3,355 | 9·70 | 2,018 | 5·83 | 33 |
| 1892 | 347,000 | 3,353 | 9·69 | 1,868 | 5·38 | 14 |

NOTE—In 1888 the state was under a prohibitory law. The law was repealed in June, 1889.

The United States census returns supply the following information. No statistics of arrests, or convictions for crime, are available.

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 345,506 | ..... | 276,531 | ..... |
| Convicts in penitentiaries | 122 | 0·35 | 107 | 0·39 |
| Prisoners in county jails | 229 | 0·66 | 47 | 0·17 |
| Paupers in almshouses | 490 | 1·42 | 526 | 1·90 |
| Inmates of juvenile reformatories | 270 | 0.78 | 180 | 0·65 |

## WEST VIRGINIA.

In this state local option laws prevail, and are substantially the same as have been in force since the formation of the state. "The question of prohibition," writes the Governor of the state to this Commission, "within the limits of the municipality or council is left to the corporation itself. (See Appendix 76.)

Provision is made for the issuing of state licenses. It is, however, provided (section 10) that state licenses "shall be issued only when authorized by the county court of the county, or other tribunal therein acting in lieu of the county court, except that where the act, occupation or business for which such state license is necessary is to be done or carried on in an incorporated city, village or town, the license shall be issued by the council thereof, provided that no license shall be issued within two miles of any city, town or village in which there is no such license, without the consent of the council."

If any hotel or tavern licensed shall fail to provide travellers and their servants with lodging and diet, the license may be revoked; and the license shall be revoked if the object of the licensee is simply to use it as a facility for selling intoxicating liquor.

The license fees are: On every license to keep hotel or tavern, 3 per cent per annum upon the yearly value of the premises; on every license to sell at retail, $350; to sell at wholesale, $350 in addition to all other taxes.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available:—

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 762,794 | ..... | 618,457 | ..... |
| Convicts in penitentiaries | 278 | 0·36 | 266 | 0·43 |
| Prisoners in county jails | 153 | 0·20 | 106 | 0·17 |
| Paupers in almshouses | 792 | 1·04 | 711 | 1·15 |
| Inmates of juvenile reformatories | ..... | ..... | ..... | ..... |

There is no juvenile reformatory in West Virginia.—(Census Bulletin, No. 72.)

## SOUTH CAROLINA.

By a law passed in 1880, the issue of licenses was forbidden outside of incorporated cities, towns or villages. By a general local option law enacted in 1892, the direct voting power was extended to any incorporated city, town or village.

Many special acts relating to the liquor traffic have been passed by the State Legislature.

In 1878 the sale of liquor was prohibited within one mile of any place of worship or educational institution outside of a city, town or village. Subsequent acts prohibited selling liquor in the neighbourhood of factories. The legislation includes acts prohibiting the sale in certain, cities, towns and villages, excepting on petition presented by a majority of of owners of real estate, withdrawing the right of druggists to sell liquor under medical prescriptions, and providing for prohibition in different counties and towns.

The Statute-book of the State appears to be crowded with different enactments relating to the traffic, and the fact that such an enormous volume of legislation has been deemed necessary, indicates difficulties surrounding the enforcement of the local prohibitory laws.

In December, 1892, a law was enacted which has since been known as "The Dispensary Act," but the proper title of which is "An Act to prohibit the manufacture and sale of intoxicating liquors as a beverage in this state except as herein permitted." The State board of control consists of the governor, the controller general and the attorney-general. It is to appoint in each county a board of three persons, "believed not to be addicted to the use of intoxicating liquors." It is the business of these county boards to appoint dispensers of liquors. It is provided that there may be one county dispenser for each county, except in the county of Charleston, including the city of Charleston where there may be ten dispensers, and except in the county of Richland, including the city of Columbia, where there may be three dispensers appointed. There is a proviso, however, that, "in the judgment of the county board of control, other dispensaries may be established in other towns in any county."

County dispensers must "not be addicted to the use of intoxicating liquors as a beverage." The petition supporting the application must be signed by a majority of the freehold voters of the incorporated town or city in which the permit is to be used, and the statement must be attached that the individual signing is "well and personally acquainted with the applicant." A bond is required from each county dispenser.

A state commissioner, appointed by the governor, subject to the approval of senate, is appointed for the purpose of supplying liquor to the dispensaries. He, too, must be "believed to be an abstainer from intoxicants." He must purchase pure liquor, giving preference to manufacturers and brewers doing business in the state, and sell it to the county dispenser at a price not exceeding 50 per cent above the cost.

No liquor, except beer, is to be brought into the state or transported within it, otherwise than in a package bearing a certificate with the signature and seal of the state commissioner. The penalty is a fine of $500. Manufacturers of distilled malt or vinous liquors, doing business in the state, are not allowed to sell in the state, except to the commissioner, and he is to sell only to the county dispensers in packages of not less than one-half pint or more than five gallons.

The county dispensers are not allowed to break the packages, nor to obtain their supplies from any one but the state commissioner, and purchasers may not open the packages on the premises. The dispensers are not to charge more than 50 per cent. above cost, and on sales to druggists for compounding medicines, not more than 10 per cent.

The state commissioner is not permitted to sell to the county dispensers any intoxicating or fermented liquors, except such as have been tested by the chemist of the South Carolina college or his assistants, and by them declared to be pure and unadulterated. If any county dispenser shall purchase liquors except through the state commissioner, or "shall adulterate, or cause to be adulterated, any intoxicating, spirituous or malt liquors which he or they may keep for sale under this Act, by mixing with the same any coloring matter, or any drug or ingredient whatever, or shall mix the same with other liquors of different kind or quality, or with water, he shall be liable to a penalty of not less than $200, or imprisonment for not less than six months."

The following provision indicates the mode of applying for liquor to the county dispenser:—

"Before selling or delivering any intoxicating liquor to any person, a request must be presented to the county dispenser, printed or written in ink, dated the true date, stating the age and residence of the signer for whom and for whose use the liquor is required, the quantity and kind requested, and his or her true name and residence; and the request shall be signed by the applicant in his own true name and signature, attested by the county dispenser or his clerk, who receives and files the request, in his own true name and signature, and in his own handwriting. But the request shall be refused if the county dispenser filling it personally knows the person applying is a minor, that he is intoxicated, or that he is in the habit of using intoxicating liquors to excess; or if the applicant is not so personally known to said county dispenser before filling said order or delivering said liquor, he shall require identification, and the statement of a reliable and trustworthy person of good character and habit, known personally to him, that the applicant is not a minor, and is not in the habit of using intoxicating liquors to excess."

Each dispenser is to make full returns monthly to the county auditor, together with a sworn statement certifying that he has made a full disclosure of all business transacted by him. The penalty for failure to make the returns to the auditor is a fine of not less than $100 nor more than $500, and imprisonment in the county jail for not less than thirty days or more than six months.

Clubs are specially prohibited, and the penalty for keeping a club-room in which any intoxicating liquors are received or kept for the purpose or barter or sale as a beverage, or for distribution or division among the members of any club or association by any means whatever, is a fine of not less than $100 nor more than $500 and imprisonment in the county jail for not less than ninety days nor more than one year.

Places for the sale of liquor in violation of the Act, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage, are declared to be common nuisances. The personal property shall be seized by the state, and the owner or keeper adjudged guilty of maintaining a common nuisance. The punishment for the first offence is a fine of not less than $100 nor more than $1,000, or imprisonment in the county jail for not less than ninety days nor more than one year, and for each successive offence imprisonment in the penitentiary for a period not exceeding two years nor less than one year.

The proceeds of sales by the state commissioner go to the state; those of sales by the dispensers, after payment of expenses, are equally divided between the county and the municipality.

The law was to be enforced by state constables appointed by the governor.

The Act came duly into force and the result is described by Mr. John H. Ingram in a paper on liquor legislation in South Carolina (Law Register, May, 1894) thus:—"The scenes of riot and bloodshed that followed the attempt to put this law (thereby proved to be an unpopular one) into execution, are fresh in the memory of all and it is unnecessary to do more than allude to them."

Legal proceedings followed the attempt to enforce the Act, and in two cases, namely, M'Cullough vs. Evans, and State vs. Jacobs, its validity was impugned and subsequently the Supreme Court, one judge dissenting, pronounced the law invalid. The reasons of the judgement are exceedingly interesting, as were also the court's criticisms of the Act, which, it says, "not only permits but encourages the sale to an unlimited extent; for by its profit feature it holds out an inducement to every tax payer to encourage as large sales as possible, and thereby lessen the burden of taxation to the extent of the profits realized."

The reasons for the judgement were:—

1. "The traffic in intoxicating liquors not being in itself unlawful or immoral, but such liquor being, on the contrary, a lawful subject of commerce, an Act forbidding anyone in the state from engaging in such traffic, conflicts with the rights of personal liberty, and private property, secured by the constitution, unless it is a legitimate exercise of the police power of the government. Before the sale of in-

toxicating liquors can be declared unlawful there must be some valid statute declaring it be so; and we must say that we have been unable to find any such statutes on the statute book of the state."

2nd. "The Act is not a legitimate exercise of the police power *regulating* the sale of intoxicating liquors, as it *forbids* the sale by all private persons, and if it be said that the sales by government officials are *regulated* by the Act, still the police power can only be resorted to for the government and control of the people of the state and cannot with any propriety be appealed to for the purpose of controlling the action of the state itself."

3rd. "The Legislature have no authority to embark the state in a trading enterprise, not because there is any express prohibition, but because it is utterly at variance with the very idea of civil government. The court holds that trade cannot be properly regarded as one of the functions of government, but it is the function of government to protect the citizen in the exercise of any lawful employment, the the right of which is guaranteed to the citizen by the terms of the constitution." (Mr. John H. Ingram's article).

Judge Pope, the dissentient judge at this tribunal, disagrees on every point. He holds that the Act is no infringement on rights of life, liberty or property, and says, "It is unjust to the Act to ascribe to it as its leading and controlling feature, the raising of a revenue for the state and municipalities. 2nd. That the state has power to confer exclusive rights on municipal corporations, and on the state itself, *a fortiori*, whereas here there are no inherent rights of others to be considered."

In response to a communication addressed by the chairman of this Commission to the governor of South Carolina, a letter was received, written by Mr. L. D. Childs, of Columbia, chairman of the state prohibition executive committee, and addressed to "His Excellency, Governor R. B. Tillman, Columbia, South Carolina." The letter is dated the 15th September, 1892, and will be found in Appendix No. 76. It was sent without comment of any kind.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 1,151,149 | ..... | 995,577 | ..... |
| Convicts in penitentiaries | 806 | 0·70 | 404 | 0·41 |
| Prisoners in county jails | 374 | 0·32 | 220 | 0·22 |
| Paupers in almshouses | 578 | 0·50 | 519 | 0·52 |

There is no juvenile reformatory in South Carolina.

## OHIO.

The correspondence which has passed between the executive of this state and the Commissioners will be found in appendix No. 76.

The state is under a tax and local option laws.

The new constitution of the state (1851) provides that "No license in the traffic of intoxicating liquors shall hereafter be granted in this state; but the general assembly may by law provide against the evils resulting therefrom."

The Dow Law is in operation. It is so framed that the payment required is not in the form of a license fee, nor is the payment made a condition precedent to the opening of saloons; but it is a tax imposed on those who are actually engaged in the liquor trade, on the principle that, as the trade causes results which entail expense on the state, those engaged in the trade should be taxed to meet that expense. This law passed in 1886, was preceded in 1882 by a law known as the

Pond Law, which was declared constitutional, and in 1883 by the Scott law which was declared constitutional, but some of the provisions of which were of doubtful legality. The validity of the tax under the Dow Law was contested in the courts. The amount of the tax was altered in 1888, and is now $250, without reference to the kind of liquor sold.

The power to pass a prohibitory ordinance is given to a municipal corporation by the terms of the Act, which authorizes such corporations, "to regulate, restrain and prohibit ale and beer and porter houses, and other places where intoxicating liquor is sold at retail except for medicinal purposes."

Local option is also given to townships outside of municipal corporations. It is provided that the trustees of any township, on petition of one-fourth of the electors, shall hold a special election upon the question of prohibition for the township. If prohibition is carried, the punishment for selling liquor in the township, as a beverage, or keeping a place for the sale, is a fine from $50 to $500, and imprisonment not exceeding six months.

In connection with the Dow law there is a civil damage law (the Adair law) under which, after notice has been given not to serve liquor, the seller is liable to a fine from $5 to $25, as well as damages for all injury.

The Dow law is entitled "An Act providing against the evils resulting from the traffic in intoxicating liquors."

It is provided that a tax shall be laid on the liquor business, and that each business of this character shall pay $250 annually, which shall be a lien on the property.

The revenue and fines are distributed in the following proportions—two-tenths of the money collected in counties is paid into the state treasury; six-tenths into the treasury of the municipal corporation; one-half to the credit of the police fund; and one-half to the credit of the general revenue fund; the remaining two-tenths to the poor fund of the county.

Special provision is contained in the law respecting Sunday closing.

Municipal regulation is provided in the following clause: "Any municipal corporation shall have full power to regulate, restrain and prohibit ale, beer and porter houses, and other places where intoxicating liquor is sold at retail, But if any municipal corporation shall prohibit ale, beer or porter houses or other places where intoxicating liquors are sold within the limits of such corporation, a rateable proportion of the tax paid by the proprietors thereof for the unexpired portion of the year shall be returned to such proprietors."

It is provided that the county treasurers shall report to the auditor of state the amount of money paid into the treasury of the counties under the provision of the Dow law.

All fines collected under this law are paid into the county treasury and credited to the poor fund of the county.

The Act contains several clauses prohibiting the sale of liquor within certain distances of school houses, seminaries, colleges, or at fairs, also on election day, harvest festivals, in the vicinity of soldiers' and sailors' homes, or in the vicinity of religious gatherings.

There is a section of the Act regarding administering medicine when a person is intoxicated, the penalty provided being a fine not exceeding $100, and imprisonment of not more than 20 days.

The penalty for intoxication is: "Whoever is found in a state of intoxication shall be fined $5.00."

Temperance teaching is provided in the public schools, the provision in this respect reading, "that the nature of alcoholic drinks and narcotics, and their effects on the human system, in connection with the subject of physiology and hygiene, shall be included in the branches to be regularly taught in the common schools of the state, and in all educational institutions supported wholly or in part by moneys received from the state. School teachers are required to pass a satisfactory examination on the nature of alcoholic drinks and narcotics, and their effects upon the human system. If any teacher refuses or neglects to give this instruction he shall be dismissed.

Special provisions are inserted in the Act respecting the inspection of liquor. The probate judge of each county shall appoint an inspector of domestic and foreign spirits, who shall have the power of appointing as many deputies as may be required Each inspector is compelled to provide himself with approved instruments for ascertaining the capacity of a barrel or cask, and with hydrometers for ascertaining the strength of spirituous liquor; and, when called upon for that purpose, he is compelled to immediately ascertain the capacity and contents of any cask, and the quality or proof of the contents thereof, and brand the same. He is also compelled to inspect all alcoholic liquors imported into or manufactured in the county in which he is inspector, unless the same has the inspector's brand of some other county, which brand shall be evidence of the purity of the article. The penalty for selling uninspected liquor is a fine of not less than $100 or more than $500, and imprisonment in the county jail for not more than 30, nor less that 10 days.

The duty of the inspector is thus laid down in the law: "The inspector shall keep an accurate account of all liquors inspected by him, and mark on the casks or barrels the word 'pure' if so found, and, if otherwise, the word 'impure'; and when he finds any adulterated liquors he shall give notice to the prosecuting attorney of the county, of the person owning or offering for sale such aduterated liquors, who shall forthwith institute proceedings against such persons, and if, upon trial, he is found guilty of a violation of the foregoing provisions, the inspector shall forthwith destroy such adulterated liquor."

Failure to properly brand packages of liquor is an offence under the law. It is provided that "whoever being engaged in the manufacture and sale of intoxicating liquor, fails to brand on each package containing the same, the name of the person or company manufacturing, rectifying or preparing the same, and also the words 'containing no poisonous drug or other added poison,' shall be fined not more than $1,000, and imprisonment no more than six months, nor less than one month."

Adulteration of liquors is prohibited by the Act. It is provided that, "whoever adulterates, except for medicinal or mechanical "purposes, any spirituous or alcoholic liquors by mixing the same with any substance, or sell or offers to sell any such liquors, knowing the same to be adulterated, or imports into this state and sells or offers to sell any such liquors, knowing the same to be thus adulterated, and not inspected as required by law, shall be fined not more than $500 nor less than $100, and imprisonment of not more than 30 nor less than 10 days."

For the offence of putting adulterated liquors in branded packages the penalty is imprisonment in the penitentiary for not more than twelve months.

The penalty for selling adulterated domestic wines is a fine of not more than $300 or less than $50.

A further provision prohibits the use of certain drugs for the purpose of adulterating liquors, and imposes a penalty of not less than $200 or imprisonment for not less than 30 days or more than six months, or both, at the discretion of the court. It is also provided that, "whoever uses any actual poison in the manufacture or preparation of any intoxicating liquor, or sells such liquor, shall be imprisoned in the penitentiary not more than five years or less than one year."

The law contains a provision respecting compounding. Compounded wine is understood to mean any fine which contains less than 75 per cent of pure undried grape juice, and is otherwise impure, and contains alcohol not produced by the natural fermentation. Such wine shall be branded, marked, labelled and sold as compounded wine, and the word "compounded" must be placed next preceding the name of such wine, and so stamped on every package. The penalty is a fine not less than $100 or more than $1,000 for each offence, or imprisonment in the county jail for not less than 30 days or more than six months, or both fine and imprisonment. In addition thereto, the offender is liable to a penalty of one dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell. It is further provided that all the liquor seized shall be destroyed.

By a law enacted in 1891 railway companies are prohibited employing "any person to run, or operate in any capacity, a railroad locomotive on any part of its road, who is intoxicated, or in the habit of becoming intoxicated, or to knowingly

continue the employment of any such person in that capacity, after he becomes or is so intoxicated." The penalty is a fine of $200.

By a special Act passed in 1891, minors (less than 18 years of age) are prohibited from entering any saloon, beer garden or other place where intoxicating liquors are sold or offered for sale, except in the discharge of some lawful business, or accompanied by a parent or guardian. The penalty is not more than $5 or less than $1, and upon subsequent conviction a fine ranging up to $25, or imprisonment for ten days, or both. The keeper of the saloon or beer garden is liable to a fine of not more than $25 or less than $5, or imprisonment for ten days, or both. Another special Act prohibits the sale of intoxicating liquours in bottles, and provides a penalty of not less than $100 or more than $500 fine, and imprisonment for not less than one month, nor more than six months.

Provision is made for prohibition of the liquor traffic in townships, if desired by the electors, and so decided at a special meeting to be held. Whenever one-fouth of the qualified electors of any township, residing outside of any municipal corporation, shall petition the trustees therefor, such election shall be held, and if a majority are opposed to the sale, the traffic shall be prohibited.

The Secretary of State, in a letter dated the 11th January, 1894, states that the revenue derived under the Dow liquor law was for 1892, $2,683,939.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

| —— | 1890. | Per 1,000 of population. | 1880. | Per 1,000 of population. |
|---|---|---|---|---|
| Population | 3,672,316 | ..... | 3,198,062 | ..... |
| Convicts in penitentiaries | 1,652 | 0·45 | 1,278 | 0·40 |
| Prisoners in county jails | 502 | 0·14 | 466 | 0·15 |
| Paupers in almshouses | 7,400 | 2·01 | 6,974 | 2·18 |
| Inmates of juvenile reformatories | 1,529 | 0·42 | 1,051 | 0·33 |

## PULLMAN.

The prohibition which exists in the town of Pullman, Illinois, has frequently been referred to during the investigations of the commission.

Mr. George M. Pullman, the inventor of the Pullman cars, and the founder of that great enterprise which called into existence a town, covering 3,500 acres of ground, on the shores of Lake Calumet, did not appear before the Commission, but, in answer to a request from the chairman, he wrote a letter, and forwarded therewith the material from which the following statement is prepared:—

When, in 1859, Mr. Pullman made the memorable night ride from Buffalo to Westfield, N.Y., in what was then dignified by the name of a sleeping-car, the discomforts of which caused him to design the first Pullman car, "the Pioneer," he did not foresee the immense proportions of the enterprise which he had initiated. From its inception the Pullman car system steadily developed, but it was not until 1879 that the resumption of specie payments, after six years' financial depression, gave such an impetus to all commercial enterprises in the United States that it became necessary for the Pullman company to concentrate their workshops, then in St. Louis, Detroit, Elmira and Wilmington, and make one vast factory in order to keep pace with the demands made on them.

The neighbourhood of Chicago was finally selected as the most suitable, and 3,500 acres on the shores of Lake Calumet, now known as the town of Pullman, and forming a part of the 34th ward of the city of Chicago, were secured. It was then, 1882, that Mr. Pullman had the opportunity of testing his theory "that the better the man, the more valuable he is to himself. Just in that proportion is he also better

and more valuable to his employer." On this simple business theory an attempt was made to surround the workingmen in Pullman with such influences as would most tend to bring out the highest and best there was in them. The land belongs to the Pullman company, and, of course, that company can enforce such conditions in regard to the occupancy of it as they may deem proper.

In eleven years Pullman reached a population of 12,000 souls, and never in its history, prior to the troubles of 1894, had any one of its people to be supported by charity. Many own their own homes, and on the 25th December, 1892, the savings bank books showed that there were 2,012 depositors, having $513,000 deposited.

There has never been any agitation in Pullman on the liquor question. The rival merits of high and low license; of prohibition or restricted trade; of license or free traffic, have never been discussed. The central object, which Mr. Pullman always had in view, has been the keeping of the moral atmosphere of the place elevating, and filled with quickening stimulus to hope and progress; in other words, to have a pure and wholesome atmosphere, morally as well as physically, whilst at the same time to avoid anything approaching an encroachment upon the absolute independence of the individual.

Several very serious problems had to be considered, and amongst them that of the liquor traffic. The result of studious thought has been to totally prohibit the trading in liquor within the limits of the company's control. It has been said that Pullman is the only town in America, of its size, in which there is neither a saloon, a hotel, nor a house of ill-repute. There is not, and never has been, one of the three in Pullman since it was started. Their exclusion was very simply effected. A formal lease was prepared bristling with clauses prohibiting the lessee from selling intoxicating beverages, keeping a disorderly house, etc., etc.; but Mr. Pullman quietly drew his pen through them all, and wrote, "This lease is terminable at the pleasure of either party by giving the other a notice of ten days." There was no posing as censor and director of public morals.

The simple fact is that prohibition exists in Pullman because it is the will of the owners of the property that there should be no traffic in liquor thereon.

## FRANCE.

In France the liquor traffic has been the subject of very extensive investigation on two occasions within a comparatively recent date. First by a commission organized by the Senate in 1886, which was composed of eighteen members. Its first sitting was held on the 22nd March, 1886, and its report was submitted to the Senate on the 7th February, 1887, by the chairman of the commission, Monsieur Claude.

A very full summary of this report has been made by Mr. Gigault, and is printed as Appendix No. 74 to this report. The document is full of most interesting information. It refers to the law passed in 1873 by the Assemblée Nationale for the repression of drunkenness, "which measure helped," says the commission, "in the creation of temperance societies, amongst them the French temperance society, which has been recognized as an institution of public usefulness."

The commission reports that the consumption of alcohol increased from 970,579 hectolitres in 1874 to 1,444,342 hectolitres in 1885, the rate of duty collected in this period being 156 francs 25 centimes. The report states that from 1816 the Ministers of Finance had, almost without interruption, worked towards an increased duty on liquors, and expresses regret that on the occasion of every increase the duty on wine was increased in an excessive manner. The report further states:—"It is an established fact that drunkenness is most prevalent in the non-wine-growing countries. It adds:—"Nations, like individuals, can live long only if they are sober and virtuous. As soon as they become intemperate and vicious, they are destined to perish."

Reference is made to the evil, which a high medical authority says is constantly increasing, arising from the bad quality of the liquors given for consump-

tion. The same authority, Doctor Lancereaux, says:—"The greatest care should be taken to give to consumers only liquors of a good quality (therein lies the prevention of alcoholism); to inspect seriously the making and sale of alcoholic liquors; to enact the severest penalties against adulterators, and to oppose the multiplication of inns."

The commissioners state that in 1876 wine alcohols gave 545,994 hectolitres and only 23,240 in 1885, and that the manufacture of grain alcohols, for a long time unimportant, suddenly expanded from 86,700 hectolitres in 1873 to 564,000 hectolitres in 1885.

It is stated that the mean consumption of alcohol per head in France, calculated on the total of the population, was, in 1830, 1 litre 12; that the duty was then 55 frs. 50 1-10 centimes, which was less than the purchase price of the material. This duty was levied on 365,182 hectolitres, and produced 20,241,000 francs. In 1885 the consumption had reached 3 litres 85, and the duty was then 156 francs 25 centimes, more than three times higher than the purchase price of the article. That was levied on 1,444,342 hectolitres, and produced 238,333,000 francs.

Annexed to the report were tables showing the consumption of pure alcohol and the consumption of the other chief alcoholic drinks—wine, cider and beer. The commission reports that these statements establish the fact that the more wine a region makes, and consequently consumes, the less alcohol it absorbs, and "that man seeks in the *eau de vie* the quantity of alcohol which he has not been able to find in beer and cider, and which he would have found in wine."

They say that in 1885 there were 94 inhabitants for every saloon or liquor shop; that the French temperance society had asked that there should be no more than one saloon for each 200 inhabitants, and then remark:—"The commission believes that it would be preferable to increase the license duties, and thinks such a line of action would hinder the development of the number of saloons and give an increased revenue to the treasury."

They refer to a law passed in 1873 for the repression of drunkenness. It provided that a fine of from 1 to 5 francs should be inflicted on all persons found in a state of manifest drunkenness in the streets, roads, taverns, saloons or other public places. The commissioners state that the effect of this law has generally been favourable, but that in rural districts, for want of proper means to secure its enforcement, it was not all that could be desired.

The commissioners refer to the fact that the increased consumption of alcohol has had no effect upon the stature and height of the conscripts, but state that in the districts where large quantities of alcohol are consumed, chiefly Normandy, the mortality of infant children is excessive. There has been a progressive increase in the number of suicides, and in the departments which consume the greatest quantity of alcohol, chiefly trade alcohol, are to be found the largest number of accidental deaths, through excesses in drink, and a diminished number in those which consume the largest quantity of wine.

The commissioners make special reference to what has become known as the "Gothenburg" system in Sweden, Norway and Switzerland.

In conclusion, after a study of the liquor traffic in France and in foreign countries, and an examination of the numerous transformations which the legislation in regard to it has undergone, they state: "We have been able to ascertain that no legislation or combination has stopped the continuous progressive growth of consumption of liquor."

They also refer to several proposed legislative reforms, and print with their report a copy of a bill proposed by M. Emile Alglave. They remark that the bill generally responds to the wishes of the commission, but they differ from M. Alglave in some respects.

The commissioners state that they "have not for one moment forgotten that alcoholism has developed itself in France, only after the disasters which have destroyed a large portion of the vines."

The recommendations of the commission will be found on the last page of Appendix No. 74.

This commission has not ascertained that there has been any legislation based upon this report.

Some of the statistical tables published with the report are attached to Appendix No. 74.

The second investigation was made in pursuance of a decree of the President of the French Republic, under date of the 18th September, 1887, appointing a commission for the purpose of inquiring into the reforms required to be carried out in the legislation on alcohol, and, generally, into the liquor system. The report of this commission was presented by M. Leon Say. Mr. Gigault has been kind enough to make a summary of this report, which is as follows:—

After Mr. McClaude had presented his report advising the French Government to cause to be examined by a commission the question relating to a monopoly of alcohol by the state, the President of the French Republic, by a decree under date of the 18th September, 1887, appointed a commission "for the purpose of inquiring into the reforms which require to be carried out in the legislation on alcohol, and, generally, into the liquor system."

## MONOPOLY.

One of the principal inquiries of the commission was that concerning the monopoly. "Monopoly," says the commission, "may be considered under different forms; the state as sole manufacturer; the state allowing to a certain extent the liberty of manufacturing, but monopolizing the sale; finally, the state reserving to itself an intermediate monopoly, that of rectification."

The monopoly of manufacture and that of rectification of alcohol for manufacturing purposes is in force in Switzerland, by virtue of a federal law adopted on December 23, 1886.

In 1886 Bismarck attempted to establish in Germany a monopoly of rectification and of sale. "Indemnities," says the commission, "were provided for the benefit of all individuals whose real or personal property would become diminished in value through the abolishing, on one hand, of the trade in spirituous liquors, and, on the other hand, of the freedom of manufacture for the rectification of alcohol or the preparation of alcoholic liquors.

"The indemnity to be granted to manufacturers for the buildings or machinery which might not be taken over by the (board of) administration of the monopoly, was to be fixed according to the declaration accompanied by a statement of (the value of) the premises.

"As regards the indemnity for personal damages, it could be claimed after four years passed in the manufacture or calling:—

"1. By manufacturers who rectify alcohol or prepare alcoholic liquors, in all cases where their establishments have not been repurchased;

"2. By the merchants and dealers in spirituous liquors;

"3. By the technical staff of rectifying establishments, or of manufacturers of alcoholic liquors (superintendents, inspectors, surveyors, etc.);

"4. By professional workmen who have attained 21 years of age at the date of the promulgation of the law;

"5. By the employees or professional traders in spirituous liquors (representatives, brokers, travellers, etc.)

"These personal damages were to be liquidated by taking as a basis, on one hand, the time passed in service, and the nature of this service, and, on the other hand, the net emolument, salary or profit for the last five years. No indemnity could be less than the emolument, salary or profit for one year, nor greater than five times this figure.

"Help was provided for all persons, who, without having right to any indemnity, would, however, be injured in their interests by the establishment of the monopoly.

"The amount of damages was first estimated at six hundred millions, but this figure would have been considerably exceeded, notably on account of the modifica-

tion introduced by the Federal council, which reduced from four to two years the working period necessary to give a right to an indemnity."

The bill was rejected by the Reichstag.

### LEGISLATION ON ALCOHOL IN SWEDEN AND NORWAY.

"Dr. Broch," says the commission, "explained to the sub-commission on the monopoly that the Norwegian legislation had for especial object a struggle against drunkenness and alcoholism, and that the struggle has been crowned by a complete victory.

"Dating from 1830, this movement (impulse) becomes especially marked. Attempts were at first made to restrict the manufacture in country places where the high wines produced was of an inferior quality. There were in Norway at that date nearly 10,000 distilleries, of which 151 were in the towns, and the remainder in the country. The latter were in the hands of petty distillers of potatoes, who correspond somewhat to our distillers of fruits of their own growth. A start was made by raising little by little the duty on alcohol. Then, in order to prevent the frauds resulting from the clandestine use of small stills, it was decided, in 1848, to purchase for the account of the state, at a price exceeding by ten and twenty per cent the value of the apparatus, the said stills, etc.

"The number of distilleries which, after the establishment of the grade duty in 1840, had already fallen to 1,387, dropped immediately down to 712 in 1848. It fell gradually to 40 in 1850, to 27 in 1865, and to 24 in 1874, at which figure it has remained ever since. The distilleries are all important ones, and are situated in the low lands rich in potatoes.

"At the same time the Legislature was endeavoring, in the shape of duties, to restrict the sale of liquors in small quantities, and also the increase of liquor shops. A law of 6th September, 1845, decreed that no new grant to retail, that is to sell less than a cask of 40 litres, high wines of 50 degrees, could be granted, and that no liquor store where liquor is consumed on the premises could in future be joined to a trade for the carrying on of which the right of citizenship is indispensible. The same law forbade the manufacturers from selling their high-wines (eaux-de-vie) in less quantities than 40 litres, and further forbade them going through the country districts for the purpose of selling off their products even in larger quantities than 40 litres.

Later on, by a law passed on 3rd May, 1871, the system known as the Gothenburg system, so called because it originated in the Swedish town of that name, was introduced into Norway. By that law the right of sale by retail may be granted in towns, by right of monopoly, to companies agreeing to apply their profits for useful public and charitable purposes. The by-laws of these companies must be approved by the municipal council of the town and sanctioned by the king. The choice of the grantees is equally subject to the municipal authority, which defines the number of establishments and approves of the location of same. Companies acting in accordance with that law are at present established in all the towns, with the exception of five or six of the smaller ones. These companies have succeeded in decreasing considerably the number of liquor shops (débits) and contributed in a great measure towards the large diminution in the consumption ascertained since 1877."

The commission, in its conclusions, pronounces "against the establishment in France of the monopoly of manufacture, rectification or sale of alcohol."

The commission is of opinion that in establishing the monopoly the state would be obliged to indemnify all persons who might suffer from the introduction of said system.

This indemnity is estimated at a thousand million of francs (milliard) at least.

"In 1812," adds the commission, "the state paid 10,217,000 francs for the purchase of sixteen tobacco factories, and the Administration places its capital account in the period from 1811 to 1814 at 89 millions of francs. The reimbursing of the proprietors for the goods they had in stock gave rise to the most shameful

abuses. The expropriated dealers had filled their stores with goods which were tobaccos only in name,—for example, with walnut leaves, and more than one fortune was made by means of disloyal frauds of this nature.

"We also remember the large indemnities for dispossession paid a few years ago to the manufacturers of matches, in order to establish the state monopoly (33,800,000), and yet it was only a comparatively limited industry which was at stake."

HYGIENE.

"Alcoholism," says the commission, "is a social evil. Within a few years, especially, the symptoms of the disease have shown in our midst the most alarming characteristics. * * * The increasing encroach of this plague in France coincides with the considerable augmentation noted during a number of years in the consumption of alcohol generally, and especially since manufactured alcohols (alcohols d'industrie) have taken the place of wine, brandy (eau-de-vie de vins). * * *

"The law can proceed in to ways in order to restrict consumption—by diminishing the number of liquor establishments, and making liquor dearer. * * *

"The increase in the quantity of alcohol consumed is due either to a need of it or to a liking for it, and the restriction which has a tendency to not entirely satisfy this need, and also to not follow the impulses of passion, can only come from a moral restraint. This restraint acts according to the moral energy of the individuals, a varying force inherent to the race, the education and the country, and which aid, with varying success, the more or less artificial obstacles which are opposed to the individual allurements. The temptation and facility of succumbing thereto are the primary causes of the abuse. It is evident that by removing the temptation by considerably lessening the chances of falling, we will act indirectly on the evil, and successfully struggle with the enemy. There is consequently a relation of cause to effect between the number of liquor establishments and that of the abuse of liquor. * * *

"The solution which seems therefore the most natural is, first, to cause to disappear by police measures all superfluous establishments where alcoholic liquors are retailed, and then to render the abuse impossible by raising the price thereof by means of a duty. * * *

"There remains, however, a means of exercising a restrictive influence on the number of liquor establishments, and that is by imposing a duty to make the retail trade therein less easy of access than it is to-day to all who take a notion for it.

"Too often the calling of the liquor dealer is resorted to as a make-shift for want of activity. Nothing is easier than to set up a small establishment, very little money is needed, and the notion, a very laudable one in itself, that many have of setting up in business on their own account, induces a large number of people to open up a liquor shop (débit) who, from the point of view of public interest, and possibly of their own, would employ far better in another direction, their small capital, intelligence and industry. The system of high license would therefore have the inevitable effect of concentrating the retail trade into fewer hands. The day may perhaps come when it will be possible, if not of making licenses revocable by the administration, at least of limiting the number of liquor establishments (débits) in proportion to the population, wherever a maximum considered as dangerous has been exceeded; but an attempt should first be made to attain the same result by indirect means. * * *

"It is not sufficient to decrease the number of liquor sellers; you must also diminish the number of purchasers. If we can act on the number of vendors by means of taxes on the gross value (*frais généraux*) of the liquor establishment we can also reach the majority of purchasers by duties on the liquor itself."

The commission quotes the opinion of a publicist and Protestant clergyman, Dean Josias Tucker, who wrote as follows to his fellow countryman, David Hume: "Allow me to draw your attention to the fact that both you and Mr. Turgot have fallen into a gross error when you considered me as in favour of duties on consumption in general. I never entertained that idea. My system is as follows: That it

is requisite in all countries of the globe to endeavour to make activity very cheap and idleness very dear. To attain that end all occupations tending to increase activity should be encouraged by exempting them from all restrictions and restraints, and especially by exempting them as much as possible from all taxes and dues. On the contrary, a check should be placed on all those who live by the idleness, drunkenness and extravagance of others, by discouraging them in every possible manner, and by over-burdening them with taxes judiciously established. * * * "

The commission, while readily admitting that an increase of duties on the consumption of alcohol would have favourable results and would decrease the quantity consumed, is of opinion that this measure should not be adopted unless it were possible to check the frauds now committed, and finally the frauds to which an additional tax would give a new impetus. * * *

"There is a necessary effort," says the commission, "which we must ask the country to make in order to give life to the legislative reforms which it is possible to realize, and that is to struggle against alcoholism and against the frauds by a kind of league for the common weal, by temperance societies, by protective associations of honest trade—in a word, by a propaganda which will never tire, and which will also know, like many others, to make use of the great lever at the disposal of all French citizens, the liberty of the press."

## GERMANY.

The commissioners have not been able to ascertain that the proposals for dealing with the liquor traffic in Germany, referred to in the report of the French commissions, have been given effect to by any legislation. In Appendix No. 75 will be found a short summary of the general law applicable to the traffic in that country. The abstract is made from the law of 1887. It may have been amended since that date. The abstract has been made simply for the purpose of indicating the nature of the laws in that country.

In the report of the French commission presided over by Mr. Leon Say, referred to in another portion of this report, will be found a reference to some proposed legislation on the liquor traffic in Germany. This legislation is important, as embodying the principle of compensation to those engaged in the manufacture and vending of liquors. The German Government proposed to take over the control of the traffic, and to provide in their scheme for compensation on a large scale to manufacturers and dealers. It is worthy of note that the proposal of the German Government on this point appears to have been criticised mainly on the ground that the compensation was not sufficiently liberal to employees who would be deprived of their employment.

### THE ALCOHOL MONOPOLY IN SWITZERLAND..

The alcohol monoply was established in Switzerland in virtue of a law adopted by popular vote on the 15th May, 1887, by 267,122 yeas against 138,496 nays. It was promulgated on the 27th of the same month and came into force on that date.

The object of this legislation was: 1st, to restore to the cantons the right, which the constitution of 1874 had taken from them, of legislating with respect to inns and the sale by retail of spirituous liquors; 2nd, to regulate the manufacture and sale of distilled liquors; 3rd, to remove the duty on fermented liquors.

It was contended that the high price of wine, beer and cider led to the in ordinate use by the poorer classes of Schnapps, the common alcoholic drink of the country.

The ravages of alcoholism were attributed, not only to excessive consumption, but also to the bad quality of the spirits, which was due, in a great measure, to distilleries with insufficient or defective plant and to unlicensed traffic in their impure or adulterated products.

In 1886 there were 1,022 distilleries in Switzerland which made use of feculent substances and sold their products directly to the trade, besides the stills in the hands of distillers of grapes or other fruit of their own growth (*bouilleurs de cru*), who are found in large numbers in grape and fruit-growing countries.

The materials used in the distilleries were foreign wheat and maize, the native rye and foreign and native potatoes.

Of all the distilleries in existence at the date of the establishment of the monopoly, but from 60 to 70 remain.

The tariffs on wines and beer were reduced to a considerable extent and those on spirituous liquors are three times as high as in 1887.

Under the monopoly, the right to manufacture and import spirituous liquors, the manufacture whereof is subject to Federal legislation, belongs exclusively to the Confederation. The Confederation is obliged to take measures to have the spirits, which are to be transformed into liquors, sufficiently rectified.

About one-fourth of the spirits consumed is supplied by means of delivery contracts which the Confederation must make with native producers. The deliveries are tendered for on conditions set forth in the specifications of the tender.

Private individuals are also allowed to import spirituous liquors of superior quality on conditions determined by the Federal council and on payment of 80 francs per hundred kilograms.

The peddling of spirituous liquors of every kind is prohibited. The sale of spirituous liquors of all kinds, in quantities of at least 40 litres (about ten gallons) is not taxed and requires no license; the sale by retail of quantities less than the above is governed by the local authorities of the cantons, who impose a duty on such sales in proportion to the importance and value of the goods sold.

The Confederation levies customs duties on all imported spirituous liquors. The net amount collected by the management of the monopoly is distributed amongst the cantons in proportion to their population, as established by the last Federal census. The cantonal governments must devote one-tenth of these receipts to the prevention of alcoholism. This tenth amounts to from 600,000 to 700,000 francs per annum. It is expended in caring for the insane and indigent and in supporting institutions whose object is to lessen the evils of intemperance.

Whosoever contravenes the provisions of the monopoly law is liable to fines, amounting to from 5 to 30 times the sum of which the state has been defrauded.

The proprietors of distilleries were indemnified by the Confederation for the reduction in the valueof their buildings and plant, resulting from the carrying out of the law. In determining the indemnity, the profits realized by the distillation were not taken into account. The right to indemnity was recognized only for those proprietors whose distilleries had been established before the 25th October, 1885, and in operation up to that date, and who had, moreover, given up manufacturing. The indemnities paid amounted to more than 4,000,000 francs.

In 1882 the consumption of spirits of all kinds gauging 50 degrees was 9·4 litres per head of population; in 1885 it was 10·26 litres. Under the monoply this consumption fell in 1890 to 6·27 litres; in 1891 to 6·32 litres and in 1892 to 6·39 litres. In the latter year the population of Switzerland was 2,977,678.

It is, however, admitted that the consumption has really not decreased to so extraordinary an extent. Before the monopoly was introduced, a considerable portion of the spirits manufactured or imported into Switzerland was smuggled into foreign countries and was therefore not consumed in Switzerland. Since the existence of the monopoly, this smuggling has almost entirely ceased. But every one admits that the consumption of spirits has decreased about 26 per cent; that of wine seems to have remained about the same; the consumption of liquors containing less alcohol, such as beer and cider, has increased; that of beer to the extent of 25 per cent.

The monopoly yielded 6,661,134 francs in 1890 and 6,368,568 francs in 1892. By this, we mean the excess of receipts over expenditure.

From the report of the commission appointed by his Excellency the Governor of Massachusetts to report on the Gothenburg system of controlling the liquor traffic, 1894.

## THE ALCOHOL MONOPOLY IN SWITZERLAND.

"It remained for that most democratic country in Europe, if not in the world Switzerland, to give the Scandinavian principle a wider application, namely, to the entire manufacture and also distribution of spirits. The chief circumstance leading to the formation of this monopoly was the great danger perceived from the ever-growing consumption of spirits. The adoption by an overwhelming majority of a law creating a government monopoly of the wholesale trade in distilled spirits is the more remarkable when it is remembered that by the Swiss institution known as the referendum, the votes of all Swiss citizens had to be taken on the question. The Federal law in its final form was passed in 1886, and charges the Federation with the production, importation and distribution of spirits, and gives it the right to make contracts with private persons for supplying spirits. While the federation is made responsible for the materials used in the production, it does not furnish spirits in a ready state for consumption. The government only sells the raw article in quantities of not less than about forty gallons. Thus it does not control the ultimate distribution nor the manner in which the spirits are dealt with after passing into the hands of the retailers, who are licensed by the cantonal governments. The monopoly does not include wine, beer or fruit brandy.

"The federal government receives the whole revenue from the wholesale taxes, and customs, and the net income is divided among the cantons in proportion to the population. The latter are required to devote ten per cent of the funds to combating drunkenness and its effects.

"Three objects were sought by the introduction of the monopoly:—(1) to restrain consumption; (2) to furnish pure spirits; and (3) to obtain a larger income for the cantons.

"From the information at hand, it does not appear that the first object has been largely realized, nor could this in any reason be expected as long as the monopoly has no power to restrict or even supervise the actual consumption of spirits. Only one canton, that of the town of Bâle, has given its government the monopoly of the retail trade in spirits; but it is not clear that the effect has been to diminish the number of public houses nor the consumption of intoxicating liquors in this canton more than in any other part of Switzerland. The root of the evil is left to flourish. The annual statistics published by the government would indicate that the consumption of spirits has decreased very materially under the monopoly, and that a considerable diminution was noticeable at once; but, as the statistics published previous to the establishment of the monopoly entered as home consumption large quantities of liquor smuggled out of the country, and the spirits manufactured from fruit are not included, the consumption has probably not diminished as much as would appear from official documents. Since 1890 a very marked increase has taken place.

"As a financial scheme, the monopoly has been a great success. The revenue derived from the traffic is not, as already remarked, at the disposal of the federal government, but must be divided among the several cantons. In other words, the federal government has all the care and trouble of the monopoly, while the local governments spend the surplus, which they have not even been obliged to collect. The only provision relating to the manner in which the money shall be spent is that every canton must devote one-tenth of its share to combating the evils of alcohol. The cantons allow themselves great liberty in interpreting the phrase "evils of alcohol."

"During 1891 we find that a large part of the tenth, or "alcohol tithes," went to support the unemployed, to lectures on cookery, country holidays, etc. One canton even spent the whole of its tenth in combating intemperance by establishing a training school for elementary teachers. This is not in accordance with the view of the federal government, and steps have been taken for a better regulation of the appropriations.

"It will be seen that the Swiss alcohol monopoly differs fundamentally from the company system, as it is known in Sweden and Norway. In Switzerland the gov-

ernment controls the wholesale trade and becomes responsible for the production and importation of spirits, leaving the public houses and the retail trade pretty much where they were. In the Scandinavian countries the idea is to reform the saloons, and not interfere with manufacture and importation further than to secure thorough legislative control. Again, while in Switzerland the federal government is charged with the monopoly, in Scandinavia each municipality is left to work out the problem for itself." (Pp. 169 to 172.)

### THE GOTHENBURG OR COMPANY SYSTEM IN SCANDINAVIA.

The common drink of the Scandinavian people is or has been "braünvin" or "brandevin," commonly translated brandy, which is made from corn and potatoes, and contains from 44 per cent to 50 per cent of alcohol.

In Sweden, in 1788, the Crown distilleries which the king had established about thirteen years previously were abolished, and a succession of statutes made the cultivation of the land a necessary qualification for the production of brandy. In the commencement of the 19th century it was expressly enacted that the right of distilling should go with the soil, only those who possessed or cultivated land had the right to distil. About ten years later the privilege was extended, and tenants and other persons resident in the country might distil if the owner of the estate gave them leave, and every distiller had the right to sell his product, though not in less than two pints (half a stop). In the towns, every householder, as well as his lodgers, if he gave his permission, might hold a license to distil. The tax imposed was a very trifling one, and was reckoned partly as a license fee. About the year 1810 it was fixed by Royal ordnance at a sum which was about equal to $2 for every whole farm, and in towns at about $6\frac{7}{10}$ cents for every ratepayer manufacturing, partly according to the quantity distilled. The license to manufacture brandy included the right of distilling.

Brandy appears at this time to have been considered necessary for domestic use. About 14 years later, that is about 1824, free distillation for household purposes was abolished. Private stills for domestic purposes were in reality illegal, though in public estimation they long continued to be regarded otherwise. In 1829 the number of stills paying license fees is stated to have reached its highest figure, that is, 173,124; after that the number decreased, though, in 1850, there were still 43,940. Notwithstanding this, the quantity of brandy manufactured seems to have continued to increase, owing to improved methods and machinery. According to the lowest calculations, it was at this time estimated to be 24,869,700 gallons, and according to the highest, 41,449,500 gallons, all of which was said to be annually consumed in the country. In 1835 a royal ordinance deprived all those whose land was taxed at less that 300 rix-dollars banco of the right of distilling, though the owners of several lots of lands taxed at less, might, by clubbing together, obtain the right to distil. The time for distilling was limited to six months in the year. License fees were abolished, but a tariff was imposed, graduated upon the quantity of spirits distilled.

In 1819 a temperance association was organized at a small town in Sweden, which gradually extended its membership and its influence by speeches, writings, holding numberless meetings far and wide, by forming hundreds of branch societies, distributing pamphlets, by addresses from pulpits and lecture rooms, by pointing out that brandy was not only unnecessary, but most pernicious for man, asserting that distillers wash was equally injurious for agriculture, and that it was the duty of all good citizens to practice self denial. This association exerted such an influence upon public opinion that upwards of 800 petitions were presented to the king in the years 1852-53, from various towns, the clergy, the agricultural societies, and from tens of thousands of private individuals, demanding a change in the liquor law.

In 1853 a most earnest appeal to the states of the realm and certain recommendations were made by His Majesty Oscar I, the results of which were that the Diet passed certain laws which received the royal sanction in January, 1855. The first of these referred to the manufacture, the second to the sale of brandy, under

which head were classed all native and foreign distilled spirituous liquors. By the first mentioned enactment the minimum quantity of brandy to be distilled daily was placed at 829 quarts, by which the uncontrolled household distillation was converted into a controlled manufacture, separately taxed, at about $4\frac{8}{10}$ cents per quart. The period of manufacture was confined to six months in the year. Certain holders of public offices, judicial, medical, ecclesiastical, civil and military, and the occupiers of certain crown lands, were prohibited from taking part in the manufacture. The most important change in the law, relating to sales, was the right given to every community to forbid within its precincts all unlicensed brandy traffic, that is, all retail and public house traffic, into which the minor traffic was divided. The number of licenses was to be fixed by the local authorities, and to be sold by auction, though the authorities were not bound to accept the highest offer, but were directed to rather look to the character of the individual than to the sum offered. A clause was then added to the enactment relating to the sale, to the effect that where a company was formed for assuming the whole of the minor brandy traffic, or either of the traffics, in *towns*, the town authorities sho uld be empowered to confer upon it all the licenses which would otherwise have been the first legislative enactment, recognizing what has since become very generally known as the "company system."

It will be observed that it was only in towns that the company system could be brought into force. Under this law the minimum quantity for which each vendor was to be taxed appears to have been fixed at 2,211 quarts, in towns, and 1,105 quarts in the country. Country districts appear to have exercised the right to curtail the number of licenses. The right of veto on the number of licenses granted in country districts appears not to have been extended to the towns, and as the rural districts shut out the traffic, by curtailing the number of licenses, the traffic seems to have concentrated in the towns. It is said that in 1856 the towns possessed 584 retail and 1,170 public house licenses, against 64 of the former and 493 of the latter in the rural districts, nothwithstanding that 88 per cent of the whole population belonged to the country. Another fact which is referred to is, that of the 11,846 persons sentenced for drunkenness during the year 1856, 10,507 were inhabitants of the towns, and only 1,339 of the country.

The conditions and charges on sales, fixed by the law of 1855, were:—

Not less than a half *Kan* (about $1\frac{1}{8}$ quarts) might be sold, not to be consumed on the premises. The duty on these sales was about $2\frac{4}{10}$ cents per quart.

Public house licenses permitted quantities, however small, to be sold for consumption on or off the premises, on condition that food should likewise be procurable with the liquor. The duty on these sales was fixed at about $3\frac{8}{10}$ cents per quart; afterwards it was increased to about $3\frac{9}{10}$ cents.

The state collected at this time the duties on spirits produced; the municipalities the duties on sales.

It may be mentioned that "retail trade" appears to correspond to the shop or bottle trade in Canada, and what is called simple "retail," to sales in smaller quantities in public houses, etc.

The law about supplying food to customers appears to have been found burdensome by the retailers, who evaded it by putting a bowl of potatoes and a loaf of bread on their shelves.

The whole of the licenses in the towns were not entirely under the control of the municipal authorities. Certain licenses were held by virtue of burghership, and could only be cancelled on certain specified conditions, such as an offence against the law, certain cases of death, etc.

The effects of the new law of 1855, it is said, were soon apparent. Whereas in 1853 there were 33,342 distilleries in the country, producing at the lowest computation 24,869,700 gallons of brandy per annum, paying a tax of $193,505, there were in 1885, though the prohibition against the small stills was not fully carried out until four years later, only 3,481 distilleries, producing 6,519,191 gallons of brandy, which paid $1,301,900 taxes. The small stills appear by this process to have been abolished, and the change is said to have had a very beneficial effect upon the rural

districts, where the larger portion of the spirits produced by these small stills had been consumed. One authority on the subject of the liquor traffic in Sweden made this remark: "Before 1856 brandy could be bought in almost every cottage; in 1856 one might travel through whole provinces without finding a single place where it was sold; and in the same year, in the country districts throughout the whole kingdom, there were no more than 64 retail nnd 493 public house licenses, of which latter not less than 411 depended upon individual privileges."

The temperance party considered that one way of promoting temperance was by making spirits less easily procurable by keeping up the prices, but in towns this policy was thwarted by the fact that, in almost every town there was, at least, one privileged public house that could fix its price independent of those competitors who had obtained their licenses by auction. In Gothenburg, with a population of 35,000, it would appear that, in 1860, the town possessed 136 licenses in full use, and that the greatest misery prevailed among the numerous working people inhabiting the town, brought about, to a very great extent, by the excessive consumption of liquor.

In 1862 Dr. P. Wieselgren, dean of Gothenburg, and certain other earnest workers in the cause of temperance, sent in a petition to the magistrates of the town signed by 8,800 persons, principally of the lower classes, urging the magistrates to prohibit all sale of brandy at the bars on Sundays and holidays, or, at least, to limit it on those days to two or three hours, during meal time. The magistrates appear to have answered somewhat curtly that they did not think it incumbent on them to take any steps in the matter in question. In the following year the town obtained, under new communal laws which had been passed, a representative council, and that body was moved, in 1864, to appoint a committee to examine into the condition of pauperism in the town. That committee recommended that the authorities of the town should make use of the power conferred upon them by the law to hand over the licenses, previously disposed of at auction, to a company consisting of persons who would undertake the business, not for the sake of profit, but solely for the good of the working classes; that the shareholders should not derive the slightest profit from the concern beyond the ordinary rate of interest on the capital invested; that all profits accruing from the sale should be devoted to the welfare of the working classes, or paid over to the town treasury; that the premises hired by the company should be clean, light and roomy, and at the same time serve as eating-houses for the working classes; that the profits arising from the food department, and sale of beer, ale and coffee, should be kept separate. The committee not only made these suggestions, but they organized a company with the object of carrying out the suggestions made. It is stated that twenty highly respected firms and private individuals agreed to take stock in the company. The offer of the company to assume all the public house licenses was accepted by the authorities. On 1st October, 1865, the company began its operations, which still continue in full activity.

The magistrates are said to have annually placed 61 licenses at the disposal of the company, but before it had been established 72 such licenses existed in the town, and although the population had been steadily increasing, the company has never made use of the whole of its licenses, and that in 1885, when the population was 83,000, the number of the company's licenses was only 19. It had established four eating-houses where no spirituous liquors were served, except the usual dram at meal times, the object being to supply workingmen, who did not wish to frequent the public houses, with food. The company had also fitted up several reading rooms, where no spirituous liquors, only coffee, tea, chocolate, milk and small beer were served, besides light food, at a low price fixed by tariff. In these, books, newspapers and periodicals are provided for the use of visitors. On the wall of every one of the company's public houses is posted a printed card showing how much money can be saved every day,week, month and year, by abstaining from the taking of so many drams, and what sums may, by this means, be laid aside for the future. The company, it is said, has also curtailed the time of selling, nothing being sold on Sundays or public holidays, or from 6 p. m. on the day preceding such days, except

the small dram served at meals. They have also curtailed the time of selling over the bars on ordinary week days, closing, instead of at 10, as the law would permit, at 7 in autumn and winter, and 8 p. m. during the rest of the year.

The distillers appear to have kept up a constant agitation for a change in the law affecting their interest, and a long and severe struggle, between them and the advocates of temperance and the new system appears to have been carried on. The distillers agitated for one tax only being levied, and that upon production. That tax would go to the state, instead of the major portion of it going to the municipalities, as previously. In 1870 the distillers succeeded in getting some modification of the law affecting distillation, and that year it is stated that the industrial classes of the country were affected by the speculation which prevailed, not only in Sweden, but throughout Europe; so that they had their hours of labour curtailed, and their wages increased; that as a consequence of the change in the law and the altered conditions, the manufacture largely increased, and that in 1873, 12,434,850 gallons were produced; in 1875, 13,353,892 gallons; and in 1876 as much as 13,504,563 gallons. At the same time the annual import of spirituous liquors exceeded the export. As a consequence, the advocates of temperance claimed that drunkenness greatly increased throughout the country, the number of cases having doubled between 1870 and 1876. In 1878 a committee was appointed by the king on the recommendation of the Diet, and instructed to revise the existing statutes, with a view of counteracting, more effectually, the abuse of intoxicating liquors.

The "brandy" committee, so called, do not appear to have been unanimous; but a majority proposed that every one who was neither under age nor insolvent, nor of ill-repute, able to read and cipher fairly well, was a voter, and had the permission of his landlord to retail spirits on his premises, should, after applying to the Governor of the province, and giving security for possible fines, receive a license from the authorities to carry on such traffic.

In the meantime the temperance party had been actively at work, and they had resolved :—"Considering the absolute necessity of making the existing liquor laws more efficient in several important points, in order to promote the cause of temperance, this meeting is of the opinion that the principles on which the liquor law of January, 1855, is based, still continue to hold good for further legislation." They sent out circulars over the whole country inviting the clergy and other local authorities to express their opinion in regard to the brandy committee's proposition, and it is stated that among 2,123 answers returned, during the course of three months, by communes, vestries, etc., only three agreed entirely with the committee's proposition, as a whole; those who approved of some of its clauses amounted to only 1 per cent, and 99 per cent rejected it altogether.

The facts were laid before the King, Oscar II. In 1885 a new liquor law was brought forward by the government. It was based upon the principles of the law of 1885. The Prime Minister of Sweden, speaking on the subject of it, said :—"I am convinced that those companies, if properly administered, will prove the most effectual means of promoting order in the brandy traffic, and it is only by their means that the said trade can be carried on in such a manner as not to encourage an increased consumption of spirits. It stands to reason that when a private individual is engaged in the brandy trade, as in any other, his interests will induce him to sell as much as he can; whereas the companies, if they properly fulfil their mission—and happily our country can boast of many such—need never be influenced by selfish motives." Therefore, he said the law ought to be framed so as to offer "a decided encouragement to the system of brandy companies; moreover, as the companies transfer to the communities all those profits that a private dealer would put in his own pocket, financial interest likewise spoke in their favour."

In May, 1885, the new law was signed by the king.

For the foregoing information the commissioners are indebted to the exhaustive report prepared under the direction of Hon. Carrol D. Wright, commissioner of labor, and presented to the President of the United States in 1893, being the "Fifth Special Report of the Commissioner of Labour," the information given in which was prepared by Dr. E. R. L. Gould, who visited Sweden and Norway to investigate the system.

From the same publication has been extracted the main features of what is understood to be the existing Swedish law governing the manufacture and sale of brandy. It bears date July, 1887. An abstract of it and of the law of 1891 will be found in Appendix No. 109.

It will be seen on reading this law that the quantity each manufacturer can make is fixed, and that on the quantity fixed a tax has to be paid. Of the brandy, on which taxes have not been paid, at least 85 per cent shall be stored for a time in a bonded warehouse, as security for the payment of such taxes. The smallest quantity to be sold wholesale is fixed at 66 gallons; by retail, but not to be consumed on the premises, 10·567 quarts. Brandy may be sold over the bar in as small a quantity as desired, whether it be drunk on the premises, or be taken away. There are exceptions with regard to sales at hydropathic establishments, and on board steamers. A license obtained at auction to sell brandy at retail, or over the bar, is only transferable with the concurrence of the magistracy, in towns, and the local government board in the country. The transfer of any other license to sell brandy at retail or over the bar is not permitted. The privilege to sell brandy at retail or over the bar, held by any one in virtue of burgess rights, or as a special privilege, obtained previous to the promulgation of the law of 1855, may continue as long as it is not given up or forfeited, but only to the same extent as before, but burgess rights granted after the promulgation of the law of January, 1855, do not confer the right to sell brandy at retail or over the bar. (Section 6, 7, 8 and 9–1891.) There are certain exceptional conditions, respecting the right to sell over the bar, exercised at an inn in the country, prior to the passing of the law of 1855. (Section 7.)

The clauses in reference to sale by companies are as follows:—

"The proposals made, which should be accompanied by the by-laws of the company, shall be examined by the magistracy, who, when the town council, or, where such is not found, the town meeting, have reported, shall send the documents, together with their own opinion, to the governor; and the latter, having considered the qualifications of the company no less than the amount of the fee offered, as well as the ratio between the fee offered and the number of litres it is supposed the company will be able to dispose of, shall accept or reject the proposals. Such proposals shall not be accepted in case the fee is less than the whole sum would amount to, according to section 17, in case the licenses had been given to individuals.

"When the proposal made is accepted, the magistracy shall make a contract with the company for the period fixed by the governor." (Sec. 7, subsec. *b*.)

"In every case it shall depend upon the special investigation of the government whether, and on what conditions and limitations, all sales of brandy at retail or over the bar, the licenses for which would otherwise be offered at auction, according to the provisions preceding, shall, in a small town, be given in charge of a company organized in the town for that purpose." (Section 11, subsec. *b*.)

"A company in a town or village that has taken charge of all sale of brandy at retail or over the bar in the place, in conformity with section 9 (*b*) or section 11 (*b*) shall not transfer the license granted them to any other person. But if such company should wish to transfer one of their special privileges to sell brandy at retail or over the bar, on the payment of a stated sum to the company, the company shall hand in a statement to this effect to the authorities. After consultation with the magistracy, the authorities, duly considering the reason of the transfer as well as the qualifications of the person to whom the transfer is to be made, and also the ratio of the fee to the probable income derived from the business, shall approve or reject the proposal." (Sec. 15, subsec. *c*.)

"When all sale of brandy at retail or over the bar in a town has been given in charge of a company, in the manner provided for in section 9 (*b*), the company shall, in addition to the tax fixed, give away the net profit which after deducting the necessary running expenses, is shown by the accounts of the company *to have accrued from all the business in brandy done by the company, and also the fees which the company has paid for the privileges acording to section* 15 (*c*). The accounts of the company shall be kept in the manner and after the formula provided by the bureau of control and assay of the royal department of finance. These accounts, as well as

the management of the company, shall be examined into during the month of January of every year, on a day fixed by the authorities, by five auditors, of which the town council, or, where such is not found, the town meeting, shall appoint two, the *landsting* (meeting of the commissioners of supply of a county) one, the agricultural society one, and the governor the fifth. When a town does not take part in a *landsting*, the town council shall appoint the auditor, otherwise to be chosen by the *landsting*. In Stockholm the town council shall appoint three auditors, and the governor-general two. A report of the investigation shall be sent to the town council or town meeting, the *landsting*, and the agricultural society before the expiration of the month of February succeeding. The auditors shall receive the compensation of the fourth grade mentioned in the regulations, which compensation shall be paid out of the profits mentioned above. If the *landsting* or agricultural society declines to assume any responsibility for the management of the company, the matter shall be appealed to the governor. The company is in duty bound to be controlled by the orders given by the governor in the matter of desirable modifications. If the company declines to do this, the governor shall impose a suitable fine." (Section 18, subsec. *b*).

A board of assessors, by resolution, fixes the quantity on which the tax is to be paid, and the law provides that the fees (in other words, the tax) to be paid for the license to sell brandy at retail or over the bar, and, also, the net profits of the business, which the companies make, shall be distributed in the following manner:—

"I. In Stockholm eight-tenths shall go to the city, if the trade in brandy be in the hands of a company; in any other case the city shall receive seven-tenths; the remainder shall be deposited in the public treasury.

"II. In any other town which does not take part in a *landsting*;

"First, if the sale of brandy is in charge of a company, seven-tenths shall go to the municipality, one-tenth to the agricultural society of the district, and two-tenths shall be deposited in the public treasury.

"Second, if the sale of brandy in a town is not in the hands of a company, six-tenths shall go to the municipality, one-tenth to the agricultural society of the district, and three-tenths shall be deposited in the public treasury.

"III. In a town that takes part in a *landsting*;

"First, when the sale of brandy in the town is in the hands of a company, five-tenths shall go to the town, two-tenths to the *landsting* of the district, one tenth to the agricultural society of the district, and two-tenths shall be deposited in the public treasury.

"Second, when the sale of brandy in the town is not in the hands of a company, four tenths shall go to the town, two tenths to the *landsting* of the district, one tenth to the agricultural society of the district, and three tenths shall be deposited in the public treasury.

"IV. In the country parishes the whole sum shall be deposited at the office of the receiver of the district, who shall distribute it as follows:—seven tenths to all the country parishes of the district, according to the population, two tenths to the *landsting* of the district, and one tenth to the agricultural society of the district.

"V. In a village where, in conformity with section II (*b*), the sale of brandy at retail and over the bar has been given in charge of a company, the taxes and profits shall be divided in the same way as in a city where the trade in brandy is given in charge of a company.

"(*b*). The portion of the moneys mentioned above that go to the *landsting* and agricultural societies, shall be deposited at the office of the receiver of the district. The portion deposited in the public treasury shall be distributed among the country revenue districts according to the number of inhabitants, care being taken that the number of inhabitants of each county revenue district, within the limits of which a town is situated, be reduced by the number of inhabitants living in such town. Of the amount which goes to each county reveuue district, according to this division, the *landsting* and agricultural societies shall receive each one-fourth, and the country parishes one-half. The distribution among the latter is also to be made according to

the number of inhabitants. It is the duty of the companies to pay over to the proper persons the profits of the last year's business, which they are to give up according to section 18, and such payment shall be made before the 1st of May." (Sec. 22, subsecs. *a* and *b*.)

The law provides that the places of sale shall be situated in open streets, roads or market places, and that the premises used for sale shall be light, well ventilated, large enough for the business to be transacted, and be kept in proper order.

A short summary of the law governing the sale of wine, malt drinks, coffee and other prepared and non-spirituous beverages will be found in Appendix No. 109. The law makes it necessary for the vendor of these articles to obtain a license, and in country parishes no less quantity than about 10½ quarts of wine can be sold at one time, to be carried away from the premises where sold. Any one having obtained a license to sell brandy over the bar is permitted to sell wine, malt beverages, coffee, tea, chocolate, etc. A license to sell wine to be consumed on the premises includes the right to sell beer and other non-spirituous beverages. A license to sell malt beverages, to be consumed on the premises, includes the license to sell other non-spirituous beverages, in the same manner, with the exception of wine, and the right to sell wine, to be taken away in quantities of less than 10½ quarts, belongs to every one who has a license to sell brandy, at retail or over the bar, or a license to sell wine over the bar. The governor of the district in which the place sought to be licensed to sell malt, etc., liquors, is situated, determines whether applications for licenses shall be granted or not. In the case of towns, the governor acts on the recommendation of the magistracy, who receive the recommendation of the town council, or the town meeting, where a council does not exist but no license is to be granted contrary to the opinion of both the magistracy and the town council, or the town meeting, nor is the number of persons licensed to be greater than the number agreed upon by the magistracy and town council or town meeting, or, in the case of difference between these authorities, beyond the number advocated by either.

In the country districts the governor acts upon the recommendation of the local government board. The licenses are issued by the governor, and no one whose license has been rejected is allowed to enter any complaint against that official.

From the foregoing it will be observed, that it was not until ten years after the law authorizing the sale of spirituous liquors by companies was passed that advantage was taken of it. The first company appears to have been organized and commenced operations in Gothenburg in 1865.

The opposition of the distillers, and the agitation kept up by that interest, and also the condition of things existing during a part of the time, already alluded to, and which resulted in shortening the hours of labour and increasing the remuneration of the working classes for a period, are said to have neutralized the effect of the formation of the Gothenburg company, and the advocates of the company system claim that it was not until 1875 that conditions existed permitting a fair test of the advantages or disadvantages of the experiment being made.

In 1877 a company was formed in Stockholm on the same plan, but on a slightly different basis to that of the Gothenburg company.

One or two points require to be noted here in order to understand the situation in Sweden more fully :

1. The licenses transferred to the companies by the towns and cities did not, in all cases, include all the licenses granted, inasmuch as there were some held by right of burghership, and under special privileges. These, however, have been gradually disappearing.

2. The sale of wine, malt liquor, and some other beverages, although carried on in the establishments of the companies, are not embraced in their contracts with the various municipalities for the sale of spirituous liquors. The sale of these beverages is not exclusively carried on on the companies' premises, and where such are sold by their managers, it is apparently at their own risk.

In order to secure the entire control of the traffic in spirituous liquors, the burgess and privileged rights of certain vendors have, in some cases, been purchased. In the case of Stockholm, the municipal authorities made contracts with the holders

of these special rights, on the basis of granting them life annuities varying from $134 to $536. In some cases these annuities were extended to the wife of the holder of the privilege. The total sum paid for 133 licenses, constituted at the outset an annual charge upon the municipal treasury of $33,258.

In the report of the labour commissioner of the United States, from which this information is derived, it is remarked (page 145),—"When the company began operations in October, 1877, with a complete monopoly of all the licenses for conducting the retail and bar trade of spirituous liquors in the city (Stockholm), it seemed to be handicapped with the large annual charge upon it for compensation to the expropriated license holders. In fact, many persons at the time predicted financial disaster, but the results of the first year, after paying all expenses, and the six per cent dividend to the stockholders, showed sufficient surplus to provide for the compensation fund for a period of three or four years in advance. The annual charge on this account has diminished from year to year, as the old license holders have died off, until only eight survive at the present day (1892)."

The by-laws of the Gothenburg brandy company are printed in Appendix No. 129.

In the special report of the commissioner of labour are to be found copies of the form of contract with the managers of bars, managers of eating houses, managers of retail shops, and lists of the retail prices of liquor.

The companies employ a large number of managers, and a smaller number of inspectors. The following are copies of the instructions to those so employed by the Gothenburg company. (Pp. 125 and 127).

"INSTRUCTIONS TO INSPECTORS.

"The inspectors, on whom the company relies for a zealous and energetic co-operation in promoting its object, as shown in the preamble to its bylaws, and sanctioned by His Majesty, 22nd August, 1865, and required to observe the following instructions:—

"1. Each in his own district to keep a strict watch, that the contracts made with the managers of the company's public house and retail premises, as well as other regulations placed in them or communicated to the managers are punctually observed.

"2. To see that order and decency prevail in the public house and retail premises, for which purpose they shall visit said places daily, particularly at such times as they are likely to be most frequented.

"3. To control and certify, if required, the correctness of the managers' reports, as to the quantity of spirits sold; also to superintend the repairs and fitting up of the company's premises, etc.

"4. To note down the time of their visit to the public house and retail premises within their district in the ledger, which is kept in each of these places, and at the same time to enter such remarks as may be deemed necessary, which remarks, if the inspectors see fit, are without delay to be communicated to the company's office.

"The inspectors are further enjoined by friendly and earnest representations, to promote order and prevent abuses or disturbance in the above named premises within their district.

"RULES AND REGULATIONS GOVERNING MANAGERS.

"In the Gothenburg brandy company's taverns and public houses the following regulations shall be observed:—

"1. Cleanliness, order and decency shall be strictly attended to in every public house.

"2. The manager and his assistants shall treat their customers with civility and attention, and execute orders promptly and punctually.

"3. The manager shall keep his premises duly lighted and heated, well ventilated and swept.

"4. The manager who sells food, coffee, malt liquors, etc., on his own account, shall supply his customers with well cooked food, hot, if required.

"5. All spirits and wines in the public houses belong to the company and are sold on its account, therefore no such stores may be sold, whether in casks, ankers, bottles or decanters, otherwise than in the company's vessels, which are duly marked for the purpose. All spirits and wines shall likewise be served in glasses, bearing its mark, G. U.

"6. The manager is strictly enjoined to serve wines and spirits only for ready money, consequently never to sell them on credit, pawn tickets, or security, but payment is to be made as soon as the customer is served.

"7. The manager is forbidden under severe penalty to sell wines or spirits to persons who are already intoxicated or under age.

"As persons under age, the tavern keeper or publican shall include not only children of 15 or less, but also boys, who have not yet reached 18 years; the manager shall, in each case, if possible, ascertain if the alleged age be correct, and in doubtful cases observe the above mentioned prohibition.

"8. The company relies on the customers to show civility and good will to the managers and their assistants, and to behave so as to insure the maintenance of order and tranquility in the public houses.

"9. If any one infringes this rule and thereby causes disorder and contention, and refuses to listen to a courteous remonstrance, the manager has a right and is in duty bound to turn him out of the premises.

"10. On Sundays and holidays, as well as after 6 p.m. of evenings preceding such days, all sale of brandy and other spirituous liquors, either to be drunk on or off the premises, is prohibited in the company's twenty-five taverns and public houses; only the dram before meals may be served.

"11. The premises shall be kept open on week days from 7.30 a.m. till 8 p.m. in winter, and 7.30 a.m till 9 p.m. in summer; and on Sundays and holidays from 1.30 to 3, and 6.30 to 8 p.m.

"12. All complaints against the manager and his assistants shall be referred to the company's accountant or inspector, who are bound to pay due attention to all such matters."

In the report of the auditors upon the accounts of the Gothenburg company for the year ending September 30, 1892, they remark:—

"With regard to the privilege granted the managers of the bar trade places of the company to sell strong malt beverages, such as beer and porter, on their own account in connection with the bar trade in wine and spirituous liquors, the auditors—both because of the aim of the company, which is to further abstinence and temperance by every means, and the large increase of late of the beer traffic in general and at the bar trade places owned by the company—believe it desirable that all sale of and bar trade in malt beverages on the premises of the company, with the exception of small beer, ought to be taken charge of and carried on by the company in the self same manner in which the company now carries on the bar trade in wine and spirituous liquors.

"It is perhaps not possible to offer direct proof that such bar trade as is mentioned above, carried on by the managers, has had evil results to any great extent, but it is undeniably in full harmony with the purpose of the company as well as with the demands of the public and the interests of temperance that the company should take charge of this traffic. At all events, in our opinion, such a measure on the part of the company would be a first step towards the desired end that all bar trade in the stronger malt beverages containing alcohol, such as beer and porter, might be carried on under the same surveillance and control as is now provided for the bar trade in spirituous liquors." (Page 137).

It appears that in the case of this company the managers were, up to 1874, remunerated by a percentage on the liquors sold, a plan which proved unsatisfactory and was abandoned in that year.

The following table from the Massachusetts House Document (p. 85), referred to hereinafter, shows the profits of the liquor companies of Sweden from 1881 to 1892, including the excise tax paid in lieu of license fees:—

| Years. | In towns. | In country districts. | Total. |
|---|---|---|---|
| | $ cts. | $ cts. | $ cts. |
| 1880-81 | 1,476,094 46 | 73,007 62 | 1,549,102 08 |
| 1881-82 | 1,460,222 62 | 70,453 40 | 1,530,676 02 |
| 1882-83 | 1,272,866 60 | 68,056 50 | 1,340,923 10 |
| 1883-84 | 1,330,793 27 | 64,738 61 | 1,395,531 88 |
| 1884-85 | 1,453,176 86 | 64,264 39 | 1,517,441 25 |
| 1885-86 | 1,489,318 05 | 58,638 12 | 1,547,956 17 |
| 1886-87 | 1,577,638 50 | 62,270 61 | 1,639,909 11 |
| 1887-88 | 1,662,118 99 | 55,136 19 | 1,717,255 18 |
| 1888-89 | 1,567,133 16 | 55,914 79 | 1,623,047 95 |
| 1889-90 | 1,813,446 25 | 56,773 91 | 1,870,220 16 |
| 1890-91 | 1,667,800 74 | 56,655 15 | 1,724,415 09 |
| 1891-92 | 1,802,662 62 | 57,814 16 | 1,860,476 79 |

The following table shows the distribution of the average net profits for the five years 1880-85, to have been (page 86),—

| | |
|---|---|
| Municipalities | $1,014,205 00—69 per cent. |
| Landsting | 176,039 82—12 |
| Agricultural societies | 222,450 94—15·2 |
| Country parishes | 45,547 65— 3·1 |
| Commissions and small expenses | 8,671 44— 0·6 |

And for the seven years, 1885-92, to have been,—

| | |
|---|---|
| Municipalities | $982,041 42—57·4 |
| Landsting | 286,422 04—16·7 |
| Agricultural societies | 214,096 08—12.5 |
| Country parishes | 206,920 30—12·1 |
| Commissions and small expenses | 22,451 64— 1·3 |

A summary of the transactions of 88 brandy companies, reported to have existed in Sweden during the year 1890, shows that the total amount of spirits sold by them was 20,222,500 quarts, a quantity which is reported to be equal to 57 per cent of the total comsumption of the country.

The number of permanent licenses utilized to sell brandy in Sweden, from 1882 to 1892, were as follows (Pp. 74, 76, M. H. D., 192):—

IN TOWNS.

| Years. | Conceded companies. | Bid in at auction. | Privileged. | Total licenses. | Inhabitants to each license. |
|---|---|---|---|---|---|
| 1882-83 | 875 | 118 | 23 | 1,016 | 719 |
| 1883-84 | 862 | 124 | 23 | 1,009 | 743 |
| 1884-85 | 853 | 133 | 19 | 1,005 | 774 |
| 1885-86 | 912 | 69 | 16 | 997 | 807 |
| 1886-87 | 914 | 52 | 15 | 981 | 850 |
| 1887-88 | 904 | 51 | 13 | 968 | 884 |
| 1888-89 | 911 | 47 | 13 | 971 | 901 |
| 1889-90 | 902 | 43 | 13 | 958 | 936 |
| 1890-91 | 995 | 44 | 13 | 962 | 951 |
| 1891-92 | 811 | 42 | 12 | 865 | 1,073 |

IN COUNTRY DISTRICTS.

| Years. | Conceded companies. | Bid in at auction. | Privileged | Total licenses. | Inhabitants to each license. |
|---|---|---|---|---|---|
| 1882-83 | | 104 | 153 | 257 | 14,975 |
| 1883-84 | | 93 | 143 | 236 | 16,329 |
| 1884-85 | | 93 | 141 | 234 | 16,431 |
| 1885-86 | | 92 | 132 | 224 | 17,311 |
| 1886-87 | | 86 | 128 | 214 | 18,148 |
| 1887-88 | | 84 | 128 | 212 | 18,297 |
| 1888-89 | | 84 | 126 | 210 | 18,451 |
| 1889-90 | | 70 | 116 | 186 | 20,728 |
| 1890-91 | | 67 | 111 | 178 | 21,740 |
| 1891-92 | | 63 | 109 | 172 | 22,526 |

The following statement gives the average annual consumption of spirituous liquors in Sweden from 1856 to 1890, by five years periods (page 200. U.S. Report):—

| Periods. | Quarts per inhabitant. |
|---|---|
| 1856–1860 | 10·03 |
| 1861–1865 | 11·31 |
| 1866–1870 | 9·40 |
| 1871–1875 | 12·47 |
| 1876–1880 | 10·67 |
| 1881–1885 | 8 66 |
| 1886–1890 | 7·42 |

This is of liquor said to contain 50 per cent of alcohol.

In the Massachusetts House document is given a table, prepared under the auspices of the Swedish Brewers' Association, showing the consumption of malt liquors, including 3 per cent small beer, to have been as follows, with the remark that the estimate is perhaps a trifle too low (page 80):—

| In | Quarts per inhabitant. |
|---|---|
| 1861 | 7·4 |
| 1871 | 12·8 |
| 1881 | 19·4 |
| 1890 | 28·2 |

The convictions for drunkenness in Sweden were (p. 82, Mass. H. D., 192):—

| —— | Population. | Number of convictions. | Per 1,000 of population. |
|---|---|---|---|
| 1874 | 4,341,559 | 16,422 | 3·7 |
| 1884 | 4,644,448 | 19,913 | 4·2 |
| 1891 | 4,802,751 | 25,548 | 5·3 |

The convictions for illegal sale of brandy were (p. 83):—

| | |
|---|---|
| In 1885 | 818 |
| In 1891 | 897 |

For the illegal sale of beer the convictions were (p. 83):—

| | |
|---|---|
| In 1885 | 1,342 |
| In 1891 | 1,412 |

The following figures of the number of licenses and the ratio to the population in Gothenburg (in 1892, 106,356), are taken from the Massachusetts House document 192, 1894 (p. 46).

| Years. | Number of licenses. | Inhabitants to each license. |
|---|---|---|
| 1868-9 | 43 | 1,172 |
| 1878-9 | 63 | 1,043 |
| 1888-9 | 70 | 1,348 |
| 1892-3 | 70 | 1,519 |

Of the 70 licenses last mentioned, 40 are described as licenses used for consumption on the premises, 7 as retail licenses used by the company, and 23 as retail licenses transferred to wine merchants. The licenses transferred to wine merchants, with the sanction of the local licensing authorities, confer the privilege of selling, so-called high grade liquors at retail (p. 46).

The preceding figures do not appear to include beer and wine licenses.

In the same report the consumption of liquors in Gothenburg, is estimated to have been, (p. 49):—

In 1875,—34·9 quarts per capital of the population.
1885,—19·6 do do
1892,—14·2 do do

This computation apparently excludes the consumption of beer, respecting which it is remarked:—"Although exact statistics of the consumption of beer in Gothenburg are not obtainable, it is known to have increased steadily and rapidly. Now (at the present) beer is a more expensive drink than brandy, at least in Sweden. If the diminution in the consumption of brandy were due to less prosperity, or to the work of temperance advocates, or to the influence of religious movements and the like, why has not the consumption of beer been similarly affected?"

It is also stated that in making the computation the population of four suburbs, forming what is really part of the city, although belonging to four country parishes, is included. (p. 49).

The same authority reports the consumption of spirituous liquors, sold by the company, to have been in the year 1874-5, 1,740,110 quarts, and in 1891-2 only 1,523,251 quarts, though the population in that time had increased from 58,307 to 106,356. (p. 50).

The ratio of persons fined for drunkenness in the city of Gothenburg was (p. 53):—

In 1855—138 per 1000 inhabitants.
1865— 45 " "
1875— 42 " "
1885— 29 " "
1892— 42 " "

The cases of delirium tremens were:—

In 1865..... 118
1875..... 80
1885..... 84
1891..... 31

In the city of Stockholm (population in 1892, 256,608) the total number of licenses, bar trade and retail, were:

| | Number of licenses. | Inhabitants to each license. |
|---|---|---|
| 1877 | 253 | 655 |
| 1887 | 231 | 987 |
| 1892 | 223 | 1,151 |

Of the 223 licenses existing in 1892, 143 were bar-trade licenses used by the company, and 80 retail licenses. (p. 63.)

The consumption of liquor in Stockholm is given as being, in:

1882-3—23·28 quarts per inhabitant.
1891-2—16·71 " "

The calculation apparently excludes beer and wines. (p. 65.)

The convictions for drunkenness and the cases of delirium tremens in Stockholm are stated to have been (p. 67.):

| | Ratio per 1,000 of Population. | |
|---|---|---|
| | Convictions for drunkenness. | Cases of delirium tremens. |
| 1876 | 46·0 | 4·3 |
| 1886 | 31·0 | 2·2 |
| 1891 | 32·3 | 1·8 |

In the Massachusetts House Document it is remarked, in regard to the foregoing statistics, that a necessary consequence of the spread of the company system was a better policing, notably of the towns, which resulted in a greater number of arrests for drunkenness, and that it is no cause for surprise to find that the number of arrests per thousand inhabitants has increased somewhat from 1874 to 1891. It is observed: "It may fairly be doubted if the figures would indicate a perceptible change but for the unrestricted and, to a considerable extent, illegal traffic in beer."

## THE LIQUOR TRAFFIC AND THE COMPANY SYSTEM IN NORWAY.

The following summary of the Norwegian law regulating the sale of brandy, enclosed in a dispatch from Sir F. R. Plunkett, Minister at Stockholm, to the Marquis of Salisbury, dated the 2nd July, 1892, was obtained for the use of this Commission by Sir Charles Tupper.

*A summary of the Norwegian law regulating the sale of brœndevin (corn or potato brandy).*

In the following summary brœndevin also means drinks mixed or prepared with brœndevin; retail trade is the sale in less quantities than 40 litre or 50 whole bottles; retail only, when the liquor part of it is consumed on the premises; municipal board means the town council and local board.

THE RIGHT OF SALE OF THE PRODUCER.

No distiller of brœndevin, whether in the towns or the country, is allowed to part with any brandy, manufactured by him, in a less quantity than 40 litre, and, even in such quantities he must not sell it by going round the country districts.

In cases where there are more owners than one of a distillery, only one of the owners can be allowed to sell brœndevin outside of the distillery.

Other regulations in force for the sale of brœndevin are as follows:—

(*a.*) *In Towns.*

The sale of brœndevin in quantities of 40 litre and above comes under the general regulations for all mercantile trades, for which burghership as a merchant is required. (No special license is required). The retail trade on the other hand is combined with the retail sale into one trade, the carrying on of which requires a license, such license to be given by the magistrates and town council and only to a man or widow of age. In granting these licenses, the chief consideration should be whether the character of the applicants offer a reasonable guarantee for the permission to sell broendevin not being made bad use of. Licenses are granted for a term of five years, unless, by a general resolution, the municipal board have previously fixed upon a shorter time. Such license also includes the rights of selling brœndevin in larger quantities than 40 litre, but no other trade for the carrying on of which burghership as a merchant is required can be combined with this, except the redistillation of ready manufactured brœndevin. Rights of retail trade nad retail in towns may also be granted to companies that bind themselves to apply the profits of the business to the good of the public and the rules of association of which have been approved of by the municipal board and confirmed by the government. The number of licenses to be fixed by the municipal board.

Every license holder must pay a yearly tax to the poor box of the place, the amount of which is fixed in the following way:—

(*a.*) Before the middle of October every every year the municipal board meet to find out what quantity of broendevin there should be sold in the town in the course of the following year, both retail trade and retail. This quantity is taxed at the rate of $13\frac{1}{3}$ ore ($3\frac{1}{3}$ cents) a litre, and the product arrived at shows the total amount which has to be divided between the different license holders.

(*b.*) Before the 30th of November every year the magistrates make a list of all persons entitled to sell brœndevin retail trade or retail, and take their statements whether they want to pursue such trade or not. The magistrates then apportion the whole of the tax on those sellers that have declared themselves desirous of carrying on their trade, in equal parts, without taking regard to the extent of their business.

No one allowed to sell brœndevin retail trade or retail to pay a less duty than 80 kronor ($21.44).

The apportioning of the tax to be done before the 15th December, after which date a copy of the resolution shall be kept at a convenient place for inspection by the public. The amount due to be paid by two instalments, one half before the 15th of January and the other half before the 15th July. For the proper payment of the money due each of the parties concerned to give the magistrates an approved security, failing which he will be subject to have his license revoked. The same applies to everybody who does not pay his tax at the periods fixed, such loss of license to count from the date at which the omission took place; but he is still bound to pay the full yearly amount, which can be taken out by exemption like other taxes.

Under no circumstances can a revoked license be given back to anybody who has not fully paid the amount of tax due by him.

Should the municipal board find the tax on brœndevin to exceed what is required for the poor box, such surplus may be applied for other purposes.

The traffic in broendevin is subject to the following restrictions:—

(*a.*) No one allowed to sell brœndevin may do so in a les quantity than $\frac{35}{100}$ litre.

(*b.*) No one to sell brœndevin in more places than one.

(*c.*) No brœndevin to be sold, whether in small or large quantities, on Sundays and holidays, or on the day before Sunday or holiday, after 5 p.m.

(*d.*) No sale, retail trade or retail, to take place before 8 a.m.

(*e.*) No landlord, innkeeper or publican to keep his place open for the public—travellers living there excepted—longer than to 10 o'clock p.m. Neither must he sell brœndevin to children and apprentices, nor allow them to stay at his place for the purpose of getting such drinks.

(*f.*) No brœndevin to be sold to anybody who is, or in such quantities as to make him intoxicated.

Moreover—

(1.) Every householder is forbidden to allow, or grant permission to servants, apprentices or idle people to congregate in his house in order to consume brœndevin bought elsewhere.

(2.) No brœndevin is allowed to be sold at churches, assizes, sales by auction or other occasions and places where people congregate.

(3.) At fairs no brœndevin to be sold in streets or open places.

### (*b*). *In the Country.*

In the country districts sale of brandy by retail may take place only at such inns as are required for the convenience of travellers, and are licensed by the government. Sale by *retail trade* in quantities of above or under 40 litre is only allowed to shopkeepers that are likewise licensed by the government; but as the same person may keep an inn and a shop, he can get a license for both *retail trading* and *retail*.

In the country, licenses for innkeepers to sell and for shopkeepers to trade by retail cannot be granted, unless recommended by the parish board.

No innkeeper is bound to keep brandy for sale.

Every holder of a license for *retail trade* or *retail*, unless before the 30th November, by a written declaration to the parish board, he shall have resigned his rights, is assessed at such a quantity of brœndevin as he is supposed to sell in the course of the next year. On that quantity he is to pay a tax of $13\frac{1}{3}$ ore ($3\frac{1}{3}$ cents) a litre, which goes to the poor box of the parish; but if the shop or inn be within a distance of 5·5 kilometre from a town, the total amount not to be less than is fixed in such town. From this tax no exemption can be granted. For the minimum of tax and the purposes for which it is to be used the same regulations are valid as in the towns.

The restrictions and prohibitions stated above under *b*, *c*, *d*, *e*, *f* and 1 and 2, also apply to the country, as do the following additional regulations:—

(1). Sale of brœndevin in the country may take place only at the residence of the license holder.

(2). At country fairs the provincial (*amt*) government fixes what number of places for *retail trade* and *retail* may be considered convenient. The high-bailiff (*fogde*) may then grant as many temporary licenses as has been previously decreed by the provincial government, and with the retailing of brœndevin no other sale can be combined than that of prepared food and small beer (*drikke*). Everybody who has got permission to sell broendevin at a country fair, before the license is handed over to him, shall pay a fee, not less than 40 kronor ($10.72).

### (*c*). *On Board of Steamers.*

Sale of brœndevin by retail may take place on board of steamers only by government license, such licenses stating if and how far the restrictions of time given by the general regulations for the sale of brœndevin shall apply.

Before those licenses can be granted to steamers plying exclusively, or chiefly, on firths, lakes or rivers and principal places of call of which are in a country district, the opinions must be taken of the councils of those provinces within which such steamers are running. On a license of this descriptien brœndevin can be

retailed only to passengers on board, and, if the captain permits it, to the crew and others permanently belonging to the ship.

Licenses for retailing brœndevin on board of steamers are granted for a term not exceeding two years at a time, on payment of 40 kronor ($10.72), but are not subject to any other taxation.

Penalties for transgressions of the regulations for the sale of broendevin are chiefly fines, but in case of repeated offences, may amount to imprisonment or penal servitude in the fifth degree (from six months to three years), besides which the brandy found in the possession of the transgressor up to a quantity of 120 litre is seized. The fines and moneys for the goods seized are divided into two equal parts, one going to the poor box and the other to the informer, if he belongs to the police. Should there be no informer entitled to a share, the poor box gets the whole.

Any member of the force who omits, within the space of 24 hours, to report to the superintendent of police any transgression against the law for the sale of brondevin that has come to his knowledge, is subject to a fine of, the first time, twice, and the second time, three times, the amount of fines due by the transgressor; but the third time, and any after, that he is found wilfully to have repeated his omission, he shall be expelled from the service.

A full digest of the liquor laws of Norway is given in the fifth special report of the commissioner of labour of the United States (pp. 86-106).

In the first section of the law it is provided that in towns and landing places every one who is a citizen, and in the country districts, every owner of specially assessed land, shall have the right to distil or manufacture brandy, and also to rectify brandy already manufactured. Superior magistrates of districts, judges, clergymen, officers of the police force and customs, form exceptions to this rule, and they are not allowed such privilege, unless, prior to the passage of the law which was enacted in 1848, they already possessed apparatus for the manufacture of brandy, and had lawfully made use of the same, in which case they were to be allowed to distil brandy as long as they continued to be the owners or tenants of the property on which the apparatus in question was in use.

By the law the manufacture, or rectification, of brandy was prohibited between the 15th April and the 15th October. By a law passed in 1878 the period of prohibition appears to have been changed to, from the 1st July to the 14th September, inclusive.

The third section of the law of 1848 provided that no still of a less capacity than 100 potter (about 25 gallons) should be used in distilling or rectifying brandy, and another clause provided for compensation to the owners of stills of a smaller capacity, who had been legally using them, prior to the passage of the law of 1848. This compensation was based upon a price determined by the king, and applicable to the whole country, as the value of the metal, with 10 per cent in addition. Every distillery was to be provided with two alcohol reservoirs, for the storage of the finished product, and which were to be open for inspection by the controlling officers, on both inside and outside, and under the bottom, as well as at the sides, in order to make sure that they did not contain secret drain pipes. Furthermore, they were to be fitted with a cover, which the controlling officer might easily lock with his own lock and key. These reservoirs were to be of a size large enough to contain the product of one day. The 28th section of the law reads as follows:—"As often as a distillery is in operation, it shall be taxed at least for a period of 15 days and for an average production of at least 1,500 potter (about 375 gallons) per day, even if the time of operation has been shorter, and the product less." The law provides for the payment of certain fees for inspection, sealing, etc., by officers of the state. The tax imposed in 1848 appears to have been 3½ cents per quart, which seems to have been gradually increased, until it is stated to have been 20 cents in 1888.—(Mass. H. D., 192, p. 91.)

The revenue derived from taxes on intoxicating liquors, in Norway, is said to amount to less than one-tenth of the total revenue of the state.

The company system in Norway differs in some interesting particulars from the system in Sweden. The net revenue of the companies in Sweden is handed over

to the municipalities, which make the apportionment to the various interests entitled to participate, according to the law. In Norway, the companies apparently make this distribution.

In the fifth special report of the United States labour commissioner the method of distribution is explained as follows:—"Under the Norwegian system the surplus is not paid into the town treasury, but expended in the form of subsidies to objects of public utility, for the support of which the municipality is not bound by law to provide. Institutions desiring an appropriation send in applications prior to the general meeting in March. The directors and committee of management consider them in meetings held with open doors, and make or refuse grants by a majority of votes. The committee of management taking part in the distribution of the surplus is composed in part of 20 representatives chosen by the stockholders, and in the other part by 20 selected by the municipal council of the city from or outside the shareholders. The initiative regarding the destination of the surplus rests with the directors of the company, who make propositions to the committee of management. All jointly discuss the proposals on their merits, and afterwards decide, but such decision is not carried into effect until it has been approved by the governor of the district, after he has obtained the opinion of the magistracy and council." (p. 177.)

Taking the case of the Bergen liquor company as a sample of the system, it is said to be bound, by the following obligations, to show a due regard to the public interests.(pp. 166-7).—

"1. The company's articles of incorporation, its regulations and by-laws, shall be submitted for the approval and confirmation of the magistracy and municipal council, and thereafter to the Crown for the Royal sanction and seal.

"2. The magistracy and municipal council have the right to inspect the company's books and accounts at all times.

"3. The municipal council nominates 15 members of the company's committee of management.

"4. The appointment of the managers and employés of the company's bars are subject to the approval of the magistracy and municipal council.

"5. The number of shops and bars necessary to meet the reasonable requirements of the community is fixed by the magistracy and municipal council, who also fix and decide their distribution over the area of the city so as to meet the public convenience.

"6. The company pays in advance into the local municipal treasury the usual excise revenue payable on the probable consumption for the year, as estimated by the local licensing authority.

"7. The company pays all the other general taxes, as usual, to the municipal treasury.

"8. The company is allowed no privilege not enjoyed by a private licensee, except only the right to hold more than one license. Its obligations are, on the other hand, very different, and such as a private licensee could not undertake.

"9. The shareholders cannot profit by the trade beyond receiving 5 per cent interest per annum on their shares.

"10. The public is so secured that after payment of the company's working expenses, excise revenue, taxes, and 5 per cent interest to the shareholders, the entire net surplus is applied in pecuniary grants in support of objects of general public utility and benefit, subject, however, to the retention of a sum equal to the capital to be kept as a reserve fund to secure the company's existence; but this reserve fund also belongs to the public, and becomes applicable in the same way as current annual profits in the event of the dissolution of the company, subject to the repayment of the shareholders' original capital only.

"The foregoing are obligations the company has incurred to the magistracy and municipal council on behalf of the community, but it has incurred an additional obligation to the Crown in order to obtain the royal sanction.

"The obligation to the Crown is that the institutions, charities, etc., receiving grants out of the company's surplus, shall be restricted to such only as draw no part of their income from the local taxes or treasury.

"The selection of the objects to be benefited is, subject to this restriction, left to the choice of the directors and committee of management."

The company in 1877 employed the following staff (page 167).—

| | |
|---|---|
| An inspector and manager | $1,286 40 |
| A cashier and book-keeper | 804 00 |
| A clerk | 268 00 |
| Twelve managers of bar trade places | 428 80 |
| Four managers of retail places | 375 20 |
| A warehouse keeper | 536 00 |
| A stock clerk | 321 60 |
| Seven assistants | 187 00 |
| Two police detectives | 375 20 |

It has two detectives in its pay, who are attached to the municipal police, although they are paid by the company. They are charged with the special duty of looking after and detecting violations of the liquor laws.

The profits distributed by the Bergen company between 1877 and 1890 were $348,655, the amount for the year 1890 being $38,317. Amongst the items included in the distribution may be mentioned the following (pp. 178-179) :—

| | |
|---|---|
| Bergen forest and tree planting society, for laying out the mountain road, repairing the mountain road, and tree planting, a total of | $25,701 |
| Museum of Bergen for library and objects of national and economic interest | 24,924 |
| Bergen home for boys, as capital | 12,864 |
| Magdalen home | 13,721 |
| Nygaard park | 26,593 |
| Bergen deaconess home | 10,157 |
| Waiting room for workingmen | 16,884 |
| Bergen public library | 13,936 |
| Bergen national theatre | 13,668 |
| Permanent exposition building in Burgen | 17,763 |
| Building fund of Bergen young men's association | 5,092 |
| Temperance organizations | 9,968 |
| Fund for redemption of beer licenses | 8,844 |

The number of licenses in Bergen (population in 1892, 56,513), and the number of inhabitants to each license, were as follows :—(Mass. H. D. p. 112).

| Year. | Number of licenses. | Inhabitants to each license. |
|---|---|---|
| 1877 | 14 | 2,911 |
| 1887 | 14 | 3,544 |
| 1892 | 15 | 3,768 |

The consumption of liquors in Bergen is stated to have been (p. 114) :—

| | | |
|---|---|---|
| In 1877 | 5·19 | quarts per inhabitant. |
| 1887 | 3·84 | " |
| 1892 | 4·66 | " |

The following figures are given in regard to the arrests for drunkenness (p. 116):—

| | | |
|---|---|---|
| In 1877 | 24·8 | per 1,000 inhabitants. |
| 1887 | 13·8 | " |
| 1892 | 12·2 | " |

The arrests for illegal sale of liquor were (p. 118):—

| | |
|---|---|
| In 1877 | 15 |
| 1887 | 6 |
| 1891 | 5 |
| 1893 | 18 |

The number of refusals to supply liquor to minors and intoxicated persons in this city is given, (p. 119). In 1878, in the bar trade places, the number was 36,180. In 1888, it was 13,067, and in beer shops 2,587. In 1892 it was 13,819 in bars, and 2,421 in beer shops.

In the city of Christiania (population in 1892 165,500) the number of Licenses is given as follows (p. 125):—

| Year. | Number of licenses. | Inhabitants to each license. |
|---|---|---|
| 1885 | 116 | 1,127 |
| 1891 | 68 | 2,336 |
| 1892 | 65 | 2,546 |

The average consumption of spirituous liquor in Christiania was as follows (p. 126):—

| | Quarts per inhabitant. |
|---|---|
| In 1886 | 2·22 |
| In 1891 | 2·63 |
| In 1892 | 2·69 |

The following figures are given of the arrests for drunkenness and other crimes in this city:—

| | Ratio per 1,000 Inhabitants. | |
|---|---|---|
| | Drunkenness alone. | Drunkenness in connection with other Crimes. |
| 1876 | 66·4 | 43·7 |
| 1886 | 25·6 | 9·1 |
| 1889 | 41·2 | 14·0 |
| 1890 | 51·9 | 14·9 |

Christiania is said to be the centre of the brewing interests of the country, and there appears to have sprung up a large number of beer halls since the brandy traffic ceased to be a private business. It is said that the introduction of variety entertainments in places where beer is sold has also been a powerful factor in stimulating consumption (p. 127–8.)

The number of refusals to supply liquor to minors and intoxicated persons is said to have been in 1887 34,399, and in 1892 52,336 (p. 128).

The Christiania Company appears to have distributed between 1886 and 1891, $312,006. Amongst the expenditure of this company are included items for the

orchestra of Christiania theatre, hospital for scrofulous children, fencing roads, building roads, for counteracting beggary, tourists' house, the largest item being for a new theatre at Studenterlund, $51,456.

The Christiansand Company is the oldest in Norway. It was organized in 1871. The capital stock of the company amounts to $10,000, divided into shares of about $100 each. The interest allowed is five per cent. The board of directors engage and fix the compensation of the employees, and also prescribe needed instructions, and the rules to govern the sale, as well as to determine the prices to be charged.

When this company opened, the hours were from 8 a.m. to 10 p.m., but the hour for closing was shortly afterwards fixed at 8.30 p.m. It is stated that the sales at first showed no material change, but there was much less drunkenness observable in the community. The company discovered a dangerous competitor in the establishments selling beer. In 1873 the sales of spirituous liquors appear to have exceeded those of the previous year, to the disappointment of the directors. A special liquor officer was appointed, and other measures adopted, looking to a curtailment of consumption, and in 1874 there was a marked diminution, notwithstanding that it was a year of unusual prosperity with the working classes. The company appear to have engaged the services of a representative of the society of home missions to do temperance work in various parts of the city. In 1876, the company was given eight licenses for the selling of beer. Four granted to private parties previous to 1865 could not be expropriated.

On completing the eighth year of its existence, a communication was addressed to the company by the chief of police of Christiansand, from which the following are extracts:—

"The police experienced immediately that the company was an institution of great benefit to society * * Its usefulness has become more and more apparent, increasing gradually from year to year. The influence of its preventive measures on the population at large is very perceptible. Contrary to the habits prevailing in former years, the family men now return to their homes when the day's work is done. Their love of home has grown as they have more and more been drawn away from the miserable companionship with drinkers, to which they were accustomed. In consequence, the friction between married people has lessened, and the complaints and denunciations continually uttered by housewives against the saloons have been silenced * * The company system seems also to have brought about other improved conditions, and to have approached its aim incredibly fast, which to a large extent is due to the ability and energy with which the directors have gone to work, and the manner in which they have regulated the whole traffic."

In their report for 1882 the directors stated that "in spite of stringent times and lower wages, the stricter rules governing the brandy shops and the complete order and decency prevailing in them, the bar trade had not diminished to the extent expected. Consultations were had between the directors and the managers, and a list was made of the regular customers, and the quantity of liquor bought by the latter noted. It was found that many men of the working classes squandered a large portion of their wages in drink, and the directors of the company took steps to prevent this. Smaller dram glasses were ordered, and a rule laid down that only one dram, once in three hours, should be served to each person. A number of habitual drunkards were notified that in future they would only be permitted to visit one particular shop, and all sale of liquor was prohibited to persons known to depend, in part or whole, on charity, or who neglected their families in any way. It is stated that these orders not only proved effective, but were even hailed with approbation by the customers themselves, and the fear that the severe rules governing the bar trade would lead to larger sales at retail, and thus foster home-drinking, was not realized. (Mass. H. D. 192, pp. 99-100).

The bars of this company are described as follows:—

"The bar trade premises consist of two rooms, one a box-like arrangement, with a counter behind which liquor is dispensed, and an adjoining room, furnished with small tables and wooden stools. While no special comforts are provided for

the customers, the rooms are scrupulously clean and neat, as well as properly ventilated."

The rules of order are displayed, one of which is:—

"When the liquor ordered has been consumed, the person in question must leave the premises at once, and a prolonged stay in the same is not permitted. Children and apprentices are not allowed to visit the bars for the purpose of obtaining intoxicating drinks." (p. 100).

No malt liquors, temperance drinks or cigars are sold at these bars. The sale of these articles appears to have been kept entirely apart. Females are employed in the sale of spirituous liquors, but, it is stated that, their employment is gradually being dispensed with.

The relation of the manager of these bars in Norway to his employers is said to be very similar to that of the managers of similar institutions in Sweden. In regard to this particular company, the following paragraph is taken from the Massachusetts House Document, p. 102:—

"On the whole, the manner in which the Christiansand company has conducted its affairs calls for unstinted praise. No abuses of any kind were visible. During a four days' stay not a single intoxicated individual was met with, although searched for. Under the present circumstances it would seem impossible to confine the traffic within narrower bounds without encouraging 'kitchen bars,' which at present mean almost unknown evil."

It is observed that the company has worked hand in hand with the temperance societies since it was established, and that the pleasantest relations have always been maintained between them. It is also stated that the sale of beer by the company, in the places which it controls, has been placed under very nearly the same restrictions as the sale of brandy. The hours of closing in these are said to differ somewhat from the spirituous liquor bars, and the quantity sold to each customer is limited to one quart.

In Christiansand in 1870, the year before the company was started, the number of licenses issued for bar trade in brandy was nine, or 1 to every 1,274 inhabitants. Whilst eight licenses were placed at the disposal of the new company, it was decided that only four would be needed, and shortly afterwards this number was reduced to three. The last mentioned number, with two greatly limited hotel licenses, made the total existing number five, or one to every 2,566 inhabitants. (p. 103.)

The figures of the consumption of liquor (spirituous) in Christiansand (population in 1892, 37,000) are given as follows. (p. 104):—

| | | | |
|---|---|---|---|
| 1872 | 7·29 | quarts | per inhabitant. |
| 1882 | 4·67 | " | " |
| 1892 | 3·81 | " | " |

Statistics of arrests for drunkenness are not obtainable, nor has any record been kept of the refusals to sell liquor to minors and intoxicated persons.

The consumption of liquor (spirituous) in Norway is given in the same report as follows (p. 135):—

| | | | |
|---|---|---|---|
| 1876 | 6·8 | quarts | per inhabitant. |
| 1886 | 3·0 | " | " |
| 1891 | 3·8 | " | " |
| 1892 | 3·3 | " | " |

This calculation apparently has been made on the basis of the liquor containing 50 per cent of alcohol. (p. 135.)

The report contains the following figures in regard to the consumption of beer in Norway:—

| | | | |
|---|---|---|---|
| 1870-71 | 16.9 | quarts | per inhabitant. |
| 1880-81 | 22.7 | do | do |
| 1890-91 | 31.2 | do | do |

The report states that the statistics for 1892 were not available, but they would most likely show a continued increase.

The following statement showing the distribution of the profits of the Norwegian Liquor companies in 1891, is taken from the Massachusetts report. (p. 143-4).

| Objects. | Amounts. |
|---|---|
| Mission Home, city | $ 2,961.40 |
| Church buildings | 3,764.40 |
| Other religious objects | 2,780.42 |
| Museums, collections, etc | 9,192.40 |
| Libraries, reading rooms and clubs | 10,739.38 |
| Public schools:— | |
| Buildings | 25,107.04 |
| Libraries and collections | 1,890.74 |
| Other educational purposes | 1,892.46 |
| Grammar schools and higher schools:— | |
| Buildings | 1,911.82 |
| Libraries and collections | 943.36 |
| Other purposes | 5,949.60 |
| Evening schools, Sunday schools, sailor schools, normal schools, etc | 13,893.12 |
| Schools of home industry, handicraft, housekeeping | 16,981.16 |
| Scholarships for artisans | 616.04 |
| Orphan homes, educational institutions, etc | 31,563.34 |
| Rescue homes | 532.60 |
| Young Men's Christian Association | 2,476.76 |
| Temperance and total abstinence societies | 5,683.47 |
| Friendly societies | 3,123.20 |
| Homes for sailors, etc | 884.04 |
| Seamen's artisans' and other charitable societies | 8,744.84 |
| Public hospitals | 12,759.48 |
| Education of deaconesses | 5,222.01 |
| Association for assisting sick and poor | 10,398.13 |
| Poorhouse | 1,880.20 |
| Assistance, nursing and feeding of poor | 11,025.05 |
| Gun clubs | 660.00 |
| Gymnasiums | 3,376.08 |
| Public baths | 14,617.52 |
| Drawing schools | 1,139.00 |
| Theatres and public amusements | 18,974.40 |
| Music and singing | 9,046.34 |
| Other artistic objects | 9,946.16 |
| Railway building | 9,034.28 |
| Construction of highways and streets | 34,313.11 |
| Other subsidies to roads, etc | 7,396.26 |
| Lighting of streets | 4,133.63 |
| Water works and sewers | 30,603.45 |
| Fire brigades | 2,719.39 |
| Public parks, tree planting, etc | 29,325.90 |
| Medical assistance | 388.60 |
| Police | 1,327.67 |
| To municipalities, objects not specified | 2,716.98 |
| Other objects | 5,879.65 |
| Total | $383,111,89 |
| Not distributed, or put aside for reserve fund | 15,211.14 |
| | $398,323,03 |

The following statement shows the quantity of brandy sold, the gross receipts, the total expenses, and the net surplus of the Norwegian brandy companies for the years 1881 to 1890, after deducting the amounts paid for licenses and taxes.

STATEMENT showing Sales, Receipts, Expenditures, etc., of the Norway Brandy Companies from 1881 to 1890 (inclusive).

| Year. | No. of Companies. | Sales of Brandy (Quarts). | Gross Receipts. | Total Expenses. | Of the expenses there were paid as | | | Net Surplus. |
|---|---|---|---|---|---|---|---|---|
| | | | | | Town tax. | Brandy tax. | Beer and Wine tax. | |
| | | | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. |
| 1881 | 40 | 1,824,768·7 | 420,821 37 | 270,969 17 | 7,839 54 | 70,251 91 | 8,431 82 | 149,852 20 |
| 1882 | 41 | 1,937,699·3 | 444,358 47 | 277,833 99 | 10,223 93 | 69,595 31 | 8,594 49 | 166,524 48 |
| 1883 | 44 | 2,290,072·8 | 511,316 39 | 332,533 86 | 12,017 92 | 85,875 51 | 10,576 89 | 178,782 53 |
| 1884 | 45 | 2,417,597·5 | 540,592 98 | 335,180 90 | 12,991 57 | 86,944 29 | 11,213 12 | 205,412 08 |
| 1885 | 47 | 2,305,650·7 | 562,304 20 | 355,658 51 | 15,524 17 | 92,740 33 | 11,930 50 | 206,645 69 |
| 1886 | 49 | 2,579,572·7 | 663,103 29 | 428,856 28 | 16,218 02 | 104,995 43 | 13,555 17 | 234,247 01 |
| 1887 | 50 | 2,556,433·1 | 665,215 66 | 440,067 52 | 21,560 60 | 103,647 39 | 15,007 20 | 225,148 14 |
| 1888 | 50 | 2,551,993·9 | 704,674 91 | 444,542 86 | 21,721 67 | 102,079 06 | 14,344 70 | 260,132 05 |
| 1889 | 51 | 2,799,589·3 | 754,182 28 | 448,629 59 | 23,503 60 | 102,602 73 | 14,004 07 | 305,552 69 |
| 1890 | 50 | 3,218,187·0 | 838,453 20 | 467,369 19 | 25,368 34 | 103,197 69 | 13,704 18 | 371,084 01 |

The profits, including excise and municipal taxes (or the total revenue apart from the income from the tax on distilling) were reported as follows (p. 206):—

| Year. | Profits. | Year. | Profits. |
|---|---|---|---|
| 1881 | $211,654.88 | 1886 | $315,570.00 |
| 1882 | 223,286.08 | 1887 | 327,614.73 |
| 1883 | 254,079,28 | 1888 | 372,827.13 |
| 1884 | 286,226.68 | 1889 | 431,983.47 |
| 1885 | 273,376.08 | 1890 | 503,670.89 |

The capital of the Norwegian brandy companies at the expiration of 1890, was (p. 202):—

| | |
|---|---|
| Paip up capital stock | $159,939.72 |
| Reserve stock | 314,283.86 |
| Undivided earnings of the current year, and, in part, of other years | 443,750.11 |
| Special funds | 31,706.28 |

The following note is appended to the statement relating to the undivided earnings:—"Of this the total from previous years, $78 494.79."

The law prohibits the distribution of surplus profits until a reserve capital has accrued in a sum equal to the paid up capital stock.

The following table gives the percentage of liquor disposed of through the companies, and the quantities sold through other agencies in Sweden. (p. 72):—

| Years. | Sold by | | Percentage of sales. | |
|---|---|---|---|---|
| | Companies. | All others. | Companies. | All others. |
| | Quarts. | Quarts. | | |
| 1886-87 | 20,810,074·9 | 14,540,929·5 | 58·8 | 41·2 |
| 1887-88 | 19,710,357·4 | 14,833,337·4 | 57· | 43· |
| 1888-89 | 19,026,365·3 | 12,220,965·8 | 61· | 39· |
| 1889-90 | 20,222,500 | 15,153,722·5 | 57·1 | 42·9 |
| 1890-91 | 19,606,094·9 | 13,016,592·6 | 60· | 40· |
| 1891-92 | 19,870,198·3 | 13,154,955·4 | 60· | 40· |

It is suggested that the figures are not entirely accurate. The quantities sold by the companies are known. These appear to be deducted from the total quantity distilled in the country, and the remainder is put down as sold through other sources, but, it is said that 2 per cent of the brandy distilled in the country is exempt from taxation, and on the other hand that, there is a shrinkage through the process of refining raw brandy, the exact amount of which is not definitely known.

Since the passage of the law of 1871 the number of brandy shops in towns is said to have been reduced from 501 to 227, or from 1 to 591 inhabitants, to 1 for over 1,413. (p. 132.)

In 1892, out of 645 licenses granted for the sale of beer, 172 were held by the companies, and 473 by private individuals. (p. 134.)

The consumption of liquor in Norway seems to have reached its lowest point about the year 1887, that is,the average consumption per inhabitant 2·8 quarts. It then began to rise, and in 1891 it had reached 3·8 quarts, and in 1892 stood at 3·3. The cause of the increase is said to have been favourable times for the fisheries, new industrial enterprises, the building of canals and railroads, the destruction by fire

of several large towns, which caused an unusual immigration of labourers, good crops throughout the country, the sudden springing up of associations of all kinds, both political and non-political, recruiting members from all classes of society, which caused to some extent a revival of the old drinking customs.

By the present system in Norway which permits of sales at wholesale of 10½ gallons, and that by any one holding a trader's license, and the fact that such sales are exempted from the municipal tax, of rather more than 3½ cents per quart, to which the retail sale is subjected, there is a temptation for the people to club together and buy brandy by the cask. It is sold in vessels containing about 42 quarts, which can be purchased for the small sum of $13.40. This is a price said to be much below the retail prices of the companies, and there is saved, on the quantity bought, the municipal tax already mentioned which would amount to $1.46. It is estimated that 49 per cent of the spirituous liquors consumed in Norway are purchased at wholesale, and that the rural population are the only customers, as, in towns, the officers look sharply after "splicing societies," as they are called, and are able to prevent the practice. It is said that this defect in the law leads to a much larger consumption of brandy in Norway than there otherwise would be, and is the chief obstacle in preventing the company system from reaching the highest degree of usefulness. (p. 137–8.)

This subject appears to have engaged the attention of the Norwegian Parliament, a commission having been appointed, as far back as 1888, for the purpose of considering the question of raising the minimum quantity to be sold at wholesale, and it is thought that the result will be to fix the minimum quantity at 66 gallons, which appears to be the lowest quantity which can be sold wholesale in Sweden, but, in order to keep up the price which the companies appear to desire to do, it is thought that an increase in the customs charges on foreign importation will be necessary.

A misguided zeal for the promotion of agriculture, and the then current belief in alcohol as a necessary stimulant during the cold season, are said to have been responsible for a law passed in Norway in 1816, granting every man the right to distill brandy from corn or potatoes raised on his own land. The consequences are said to have been startling. During the following twenty years the consumption more than doubled, reaching 16 quarts of brandy, containing 50% of alcohol, per inhabitant. In 1833, when distillation was still unrestricted, there were 9,576 stills in the country districts, and in the cities 151, with an annual output of 4,486,000 gallons, nearly the whole of which was consumed at home.

The Storthing of 1842 is said to have aimed at terminating the traffic at one stroke, and enacted a law prohibiting, absolutely, all distillation of brandy, but it was found that so radical a measure only aggravated matters, and, finally, the law regulating the manufacture of brandy, and imposing a tax upon it, went into effect in 1848. The number of stills is said to have been reduced to forty, and in 1893 only twenty-three stills existed, owned, principally, by farmers' associations. (Mass. H. D. p. 90.)

In Norway the company system which was commenced in 1871 seems to have developed rapidly. In 1875 there were 24 companies; in 1880, 41; and in 1885, 48; and since that date the number has reached 51. (Mass. H. D. p. 129.)

### CRITICISMS AND OPINIONS ON THE SCANDINAVIAN SYSTEM.

In presenting the fifth special report of the labour commissioner (1893) which specially relates to "The Gothenburg System of Liquor Traffic," to the President of the United States, Hon. Carroll D. Wright remarks:—

"For a quarter of century, at least, Norway and Sweden have led the way in Europe in their efforts to lay down a satisfactory basis of control. The experience there cannot fail to be of inestimable value to other peoples, and, in fact, for many years those European nations which have sought to grapple with the problem in one fashion or another, have looked in this direction for suggestions. While from time to time the continental countries of Europe especially have undertaken to

regulate the liquor traffic, it has been probably as much with a view of utilizing it as a means of enhancing national financial resources as to deal with it from a moral standpoint. More recently Great Britian an even some of our own states have endeavored to acquire a knowledge of the practical working of the Scandinavian system for the purpose of studying its possible application to the somewhat different conditions prevailing in their midst.

In the report it is mentioned that,—

"A difference between the Norwegian and Swedish methods of distributing the profits has been referred to already. Particular merits are claimed for both. As a matter of fact, the surplus ultimately reaches practically the same dest nations in the two countries. It is in the method, not in the destination, wherein the chief difference lies. If we analyze the detailed statements which have been furnished regarding the subsidies accorded in Bergen, in Christiania, and even in the whole of Norway, we will find that the institutions mentioned are mostly those which should under ordinary conditions, receive municipal support. Such, notably, are schools, museums, libraries, and reading rooms, orphans' homes, rescue homes, public hospitals poorhouses, lighting of streets, waterworks, and sewer construction, public parks, medical dispensaries, etc. The net earnings of the Swedish Companies go to the extent of seven-tenths, directly to the municipal treasuries, and it is not possible to ascertain the specific objects for which they are appropriated; but as has been said already, unquestionably the greater part finds similar ultimate destinations as in the sister kingdom." (pp. 207-8.)

Statistics are produced showing that in Norway in later years, there has been an increase in the consumption of spirits and beer, the consumption of spirits, reduced to alcohol, having been in 1887, 1·5, and in 1891, 1·9 quarts per inhabitant, and the consumption of beer in 1887, 18·7 and 1891, 31·2 quarts per inhabitant.

On this subject the opinion is quoted of "Mr. H. Berner, of Christiania, for many years a member of the Norwegian Parliament, and whose knowledge of all questions relating to the licensing system of the country is most profound." (p. 38.)

Mr. Berner says,—"The abuse of alcoholism was as great in Norway as in any other country. It was only by energetic efforts in the enactment of laws, taxation, and voluntary agitation for abstinence, that, step by step, this abuse has been corrected and that Norway has made the greatest progress of any country. Fifty years ago it was estimated that in Norway the average consumption was at least 16 quarts of 50 per cent alcohol per head, * * * In 1891 in Norway the average consumption per capita of the population was about 3½ quarts." (p. 39.)

Speaking of the great reduction which had been made in the consumption of liquor up to that time, and the satisfactory position which Norway occupied in 1887 (when the consumption had been reduced to the lowest point, said to be about 1·5 quarts of alcohol per inhabitant, and the consumption of beer had not increased beyond 18·7 quarts per inhabitant), and the increase which had taken place in the consumption between that period and 1891 when the consumption of alcohol had reached 1·9 and beer 31·2, he said:—"The language of figures is incontrovertible, and it speaks loudly of a steady and very marked increase of drunkenness in Norway during these last years * * This large increase in the consumption of intoxicating drinks, which cannot be explained by passing or outward circumstances, seems not yet to have reached the limit. We must be prepared for a further decrease in sobriety. But it will be asked to what cause or causes is this decline in sobriety attributable? To be sure a similar period of falling off had been witnessed earlier, namely, at about the middle of the seventies. But at that time the explanation was easy; those were the 'splendid economic times' which in more than one respect served to turn people's heads. When the poor years returned again sobriety once more came to the front. At present nothing is known of economically palmy days such as may be compared with those of the seventies. On the contrary, complaints are loud that trade is in a languishing state. The branches of business, for instance, the agricultural branch in the eastern part of the country, in which the demand for labor has been greater than the supply, resulting in an increased rate of pay. But even if this justifies the conclusion that the laboring classes consume

more liquor than formerly, it is evident that an increase in the consumption of brandy and beer as large as the one mentioned above can not have been caused by one class of society alone, and that we here have to deal with more general and deeper causes. Nor are signs wanting that the temperance cause is, on the whole, not in as high favor in the country now as formerly. More attacks on its supposed exaggerations are seen in the press than defences of its sound and beneficial principles * * It should be mentioned further in this connection that about 60 per cent. of the brandy consumed in this country is bought by the cask, by the consumers, and that a goodly number of these casks of 10½ gallons or thereabouts, which can be purchased from all distillers and dealers at low prices, find their way out into the country districts, where drunkenness not long ago was a thing of the past and where brandy was seldom drunk except on visits to the city or some other unusual occasion. That the increase in drunkenness is best explained, not by economic conditions, but by a certain moral apathy, seems to be confirmed in other ways. It is during this period of apathy towards the temperance work that our laws relating to brandy distilling, which were so adequate in their time, have been allowed to become more and more antiquated and no longer fitted to form that effective barrier to the vice of drinking which is necessary. While our legislation has placed the bar trade in brandy under a system of restraint and monopoly, which has contributed greatly towards making the dram high-priced and difficult to obtain, it has opened sluices for the great flood of drunkenness. It has let brandy in quantities of over 10½ gallons in casks or kegs remain an object of free trade for all distillers and tradesmen, who, consequently, and in accord with all laws of competition, vie with each other in selling the goods as cheaply as possible and distributing them far and wide, and the legislation has further sanctioned this great business by exempting it from the municipal tax of 3½ cents per quart to which the retail and bar trade are subject. It is then not remarkable that people follow the hint of the law and prefer to lay in casks of brandy purchased from the nearest distillery or town for almost a song, instead of going to brandy companies and buying a dram at a greater cost, and that in these times of association people have learned to form 'splicing companies' for the purpose of a common purchase of brandy, when the means of the individual is not in proportion to his desire for it. At present 60 per cent. of the brandy consumed in this country has been bought by the cask. The probability is that the wholesale purchase will rather increase than decrease. *It is an old experience that the wholesale purchase of brandy leads to wholesale drunkenness. As far as this is concerned, it is not necessary to produce statistics.* They only show that in spite of everything drunkenness is great and constantly on the increase. But by its fruits shall the tree be judged. Abominable as is this law-protected-cask-drunkenness in itself, it becomes even more abominable, because it to such an extent encourages the violation of the law so well known by the name of 'kitchen bar trade.' The cheapness of brandy by the cask and the high price of the dram sold by the brandy companies make the kitchen bars an extraordinary tempting and paying business. Since the police force has been reduced to a minimum, it is, at least in the country districts, not a very risky business to carry on secret selling. The country highways, even at a reasonable distance from towns, fairly swarm with so-called beer wagons, these 'rolling-saloons,' *from which bottles also are sold, the contents of which do not correspond exactly with the labels.* Meanwhile, it is much more necessary to call attention to the fact that legislation is not effective without the assistance of the executive power, because many temperance people are given to the belief that the mere passage of a good brandy law, strict in its provisions, is sufficient, without entrusting its modification to the management of the police force with its thorough knowledge of persons and localities * * The first and most important thing on the reform programme, is of course to carry out the monopoly in brandy on the part of the companies. All sale of brandy, at wholesale and retail, must be conducted under the strict rules of the companies and at the prices of the monopoly. It is not to be doubted that the consumption of brandy would decrease under such a monopoly. The source of wholesale drunkenness would

thus be stopped. The question of the distribution of the surplus of the brandy monopoly, is, on the other hand, a subordinate question, although it is to be regretted that the temperance people have attributed it to such exaggerated importance that the monopoly cause itself may seem endangered by disagreement on this point. The only question here is whether there is sufficient assurance that the large receipts from the brandy trade do not tempt the companies away from their philanthropic aims, and that the moneys earned will be distributed by competent men. The pending report of the majority of the legislative commission in favour of the brandy monopoly surely offers such assurance in both respects. But it is not sufficient to institute reforms as regards brandy alone. It helps but little to drive out the brandy when the door is opened to the beer. The condition necessary for a reformation of the brandy legislation must surely be the taxation of beer, according to the percentage of alcobol contained in it, in such a manner that a distinction can be made between the stronger and more intoxicating and the lighter which is drunk for refreshment." (p. 219-222).

It is stated that all other authorities who were consulted during the progress of the labor commissioner's investigation leading up to the report, expressed the opinion that the prime factor in the increase of drunkenness, in recent years, has been the development of the consumption of beer (p. 223); and this further observation is made: "Returning again to the relation of drunkenness to the company system, the opinion of those in positions of administrative authority, where good opportunities exist for correct judgment, is that compared with previous conditions, the effect of the existing *régime* has been to bring about a notable decline in drunkenness and a very marked improvement in general sobriety. The governors of provinces in their last quinquennial reports submitted answers to enquiries in this direction. Twenty-one of them responded that drunkenness has considerably diminished in their respective regions, one that the situation had remained unchanged, one that drunkenness had not diminished, and two that it was difficult to form an opinion. The testimony of experience, whether from those favourable or unfavourably inclined to particular features of the Gothenburg system, is that it has undoubtedly effected an important reform in drinking habits, particularly of the working people." (p. 226.)

It is also stated that complete statistics showing the development of drunkenness in its relation to crime, during the period the company system has been in practice in Norway and Sweden, are not obtainable.

This most valuable report contains much interesting information respecting the poor, the savings of the people, &c., &c. It is concluded with the following summary:—

Before proceeding to consider the merits or demerits of the company monopoly plan, it is necessary to clearly understand what this method of dealing with the liquor traffic aims to accomplish. It should be borne in mind that it was not originated with the idea of stopping the consumption of intoxicating liquors, but to combat drunkenness and reduce the evils consequent upon inordinate indulgence in alcoholic drinks. It is founded, too, upon the principle that, taking human nature and practices as we find them, it is impossible immediately to eradicate completely this recognized evil; therefore, it is better to regulate it through the higher rather than the lower elements of the community. Those who expect to find that it has effectually put a stop to most of the indirect evils arising from inordinate indulgence in liquor, such as various forms of crime like murders, burglaries or thefts, or specific kinds of immorality, will be disappointed. Its strength lies, in perfect consonance with its aim, along the line of preventive, rather than reformatory efforts. While statistics unquestionably show that on the whole it has decreased drunkenness and, it may be inferred, crimes and misdemeanors which arise therefrom, it is impossible to depict in figures the exact extent to which the latter has been accomplished. The study of its relation to insanity, suicide and divorce opens up fields so broad that it is impossible to explore them thoroughly in the present condition of statistical knowledge. It must be remembered, in relation to these matters, as well as to that form of immorality known as the social evil, that other conditions of

modern life affect them as well as indulgence in drink. Consequently, one must not expect that the Gothenburg system has succeeded in eradicating the majority, even, of the unfortuuate social consequences, to put it in the mildest form possible, resulting from the immoderate use of liquor. But that it has lessened most of them is the universal testimony of all who had opportunities to watch its development.

It may not be out of place to summarize in this final chapter the advantages and disadvantages which have resulted from the operation of the system. These must always be considered, it is important to remember, in the light of local conditions, and it does not therefore follow, because particular results have been accomplished in Norway and Sweden, that the same would ensue in the United States.

1. The thing which strikes an American as the most conspicuous merit of the company system is the complete divorcing of the liquor traffic from politics. In the American understanding of the phrase, the elimination of the "saloon element as a political power" is complete. The stockholders in these brandy companies are, as a rule, prominent citizens in the place—in Gothenburg, for example, some of the very best known. The employés, who deal directly with the practical details of the business, are simply paid servants of the companies, and none of them, so far as could be learned, hold any position whatever under the city or local governments or have friends or backers therein. But then it must be remembered that a high tone in municipal political life as yet prevails in the Scandinavian kingdoms. "Ring" politics, so to speak, are but imperfectly understood.

2. The company monopoly has been so administered that a general reduction of the number of licenses has been brought about everywhere, and, consequently, a lessening of the temptation to drink. Side by side with this, there has been a marked improvement in the character of the saloons, immoral accessories having universally disappeared. The police authorities have uniformly availed themselves of the right, through the contracts made by the companies with sub-licenses, to impose conditions which put an effectual stop upon gambling or immoral practices in places where liquor is sold. The company operates on its own account all the saloons for the lower classes,and is directly amenable to public authority and public opinion for the exercise of its trust.

3. It would be a very strange condition of affairs indeed, in any matter of this kind, if, where the element of private gain was entirely eliminated, a resulting improvement did not take place.

4. A series of efficient checks is imposed against a breach of trust, supposing there may exist an inclination to commit it, In the first place the final decision concerning all matters in Sweden rests with the governor, who is an officer appointed by the crown and a man of high character and wide administrative knowledge; secondly, the licenses hold good only during the governor's pleasure; thirdly, an efficient co-operation is established between the company and the police officials; fourthly, there are three parties to the distribution of the surplus profits, each one active to secure fair dealing; fifthly, the general conduct of the business is open to public inspection, as the bars and places of sale are always put in prominent places, where they may be in general view; and sixthly, the company monopoly secures a strict enforcement of legal and police regulations in relation to the liquor traffic.

5. The companies have in some measure gone beyond the legal requirements in the line of general interest, particularly in raising the age of minority from 15, where the law puts it, to 18, as regards selling drink to young persons, and also in insisting upon immediate cash payment for liquors sold. Again, they have gradually raised the price of drinks, at the same time reducing their strength. The lack of competition permits this.

6. In Norway the saloons are closed on Sundays and at those periods of the day when the workingman is most tempted to drink. It is impossible therefore, for him to spend his leisure moments carousing at bars. Nothing whatever is found in saloons which invites to conviviality. Generally there are no seats even, and the rules of order of all the companies, which judging from personal observations are enforced, prescribe that as soon as the drinking is done the customer must leave the premises.

7. All employés of the company being paid salaries of fair proportions, and civil service principles being established in promotions, there is no temptation to push the sale of drink; on the contrary, it is made to the distinct interest of the employés to act otherwise.

8. All taxes are paid under the company system, while much was lost under the old method on account of underrating the probable consumption in advance upon which basis the tax was assessed.

9. The assistance financially and otherwise in Norway, which has been given to the cause of temperance.

10. The adoption in practice of the principle that the profits resulting from the indulgence of the appetite for strong drink shall be expended for the relief of society itself, which must bear the resulting burdens. The financial gains do not go necessarily to the mere relief of the taxpayer, as has been understood. If this were so the plan might in a sense be called an institution for economic exploitation. On the contrary one can be most positive in asserting that public weal is the primary idea and the rule by which the system is administered.

11. The fact that no single community, so far as has been learned, which has once tried the system has afterwards abandoned it.

12. The attitude of the temperance party. In the lower house of the Swedish parliament, which contains 223 members, 30 are total abstainers. These with 40 additional members, while favoring the inauguration of a régime of prohibition, have never clamored far the abolition of the existing system. The leader of the temperance party in the lower house, in a recent letter made use of these significant words: "As to my personal view of the results of the Gothenburg system, I will merely add that, with all its defects, it is vastly preferable to free trade in liquors or to the ordinary licensing systems."

It is estimated that Norway contains 100,000 total abstainers, and Sweden 194,000 and therefore the attitude of the spokesman of so numerous a body as this should be deemed fairly conclusive testimony. It must not be considered that the temperance party is completely satisfied with the plan, but their efforts are directed to reforms in details being content for the present to refrain from changing the principle. They believe that the educative influences gained from the operation of the system will in the course of time make prohibition a possibility. Their present efforts are directed particularly to divorcing the sale of beer from that of all other merchandise, extending the monopoly of the companies to cover fermented as well as spirituous drinks, and changing the law so that after a certain number of years it will be illegal to sell any beverage containing more than 25 per cent of alcohol.

The disadvantages are for the most part defects in existing law rather than inherent in the Gothenburg system itself:

1. The monopoly does not extend far enough. In order to achieve the maximum of benefit, fermented drinks must be included as well as spirituous. As has already been pointed out in the discussion of the causes of drunkenness in recent years, one effect of restraining the consumption of spirits has been the development of a wider consumption of beer. This is all the more serious since women drink it to a considerable extent, whereas they have only rarely been consumers of spirits. It is certain that this defect will soon be remedied both in Norway and Sweden

2. A legal defect applicable to Norway is found in the limit for retail sales, which is not fixed high enough. The Swedish practice is much better. Norwegian statistics show that 62 per cent of all the liquors sold in that country are for home consumption. The amount ($10\frac{1}{2}$ gallons) is sufficiently small to permit grocers to sell spirits to their customers along with goods, charging for them a much cheaper rate than the companies' price. This fact, together with the progress of prohibition in the country districts and the growing consumption of beer, is principally responsible for the lack of hoped for improvement in many of the small towns. They are incidents of, but not flaws in, the system itself.

3. The third defect is that at present the retail sale of wine and beer in towns and country districts is conducted in connection with general business. This privilege should be abrogated.

4. From a temperance view of the case, it is feared that the upper classes of society do not wish to go further than the Gothenburg system. Some of them would not like to see the drinking of spirits made unrespectable. Consequently, a practical difficulty may be raised in the future, should it come to a choice between the company system and prohibition. Furthermore it is feared that municipalities will not willingly surrender the revenues now accruing from the companies' profits. Should these decline largely, it is also held that philanthropic motives may be put in the background.

5. A monopoly of production by the state does not now exist. It is generally believed that this would be one of the surest means of contributing to the success of the Gothenburg plan.

6. The question of profits is undeniably conspicuous. Notwithstanding the efforts to eliminate the purely economic features, a few cases have occurred in which rich men, have become members of the companies and the economic features of the administration have been given too great prominence; but it is only fair to state that such instances have been exceedingly few, so few indeed, that a minimum danger only is signalled here. A notable exception to administration for economic ends is the case of the Gothenburg company, where a handsome appropriation is allowed every year for the maintenance of reading rooms. The loss resulting to the company from these and from the conduct of eating houses where liquor is not sold, except in single drams at meals, is winked at. Here indeed we have the spectacle of an administration for public weal, approved and even abetted by the titular recipients of economic advantages.

That the system is perfect no one will be sanguine enough to maintain; but that it represents the best means which have yet been devised for the control of the liquor traffic where licensing is permitted at all, few who understand its true character and have studied its operation will be bold enough to deny.

A commission was appointed by His Excellency the Governor of the State of Massachusetts to investigate the Gothenburg and Norwegian systems of licensing the sale of intoxicating liquors.

"Three separate investigations" says the commissioners, "were made in Norway and Sweden; one by Dr. E. L. R. Gould of the Department of Labor at Washington. A second investigation was made in 1893 by one member of the commission, and Mr. John Koren was also sent by the commission to make a final thorough study of the question, both in Sweden and Norway." Mr. Koren is a gentleman thoroughly acquainted with the Scandinavian languages and an expert statistician. The report of the commission is one of great interest and should be read by all who may desire to understand the company system in Sweden and Norway. It was presented in March 1894, and has been printed in full as House Document 192 of the Massachusetts Legislature.

The commissioners in their report say: "It is believed that the report of Dr. Gould embraced in the fifth report of the United States Labor Commissioner, and that presented by the commission make it easily possible to form a true and adequate opinion upon the merits of the question involved. It will be seen that the conclusions arrived at are in closest agreement with the recent testimony of almost every foreign consul in Norway and Sweden as to the uniform advantages which company control secures. The conclusions are the same as those drawn by Sir F. R. Plunkett in his report of 1890 to Lord Salisbury. In this report, the testimony to the great benefit of the system is given from all the Governors of the provinces. It is added 'The Governors appear to have borne unbroken and unvaring testimony as to the beneficial effects which had followed the application of the system.' Of the testimony of twenty-two vice-consuls, it is said, 'They are without exception favorable to the new system.'

"Finally, the commission, after its investigation, may be allowed to express the confident conviction that the evidence for this system, if fairly weighed, abundantly justifies in this Commonwealth such experiment under the Norwegian method as might be tried with entire safety under a permissive bill." The gentlemen signing the report are, John Lowell, H. P. Bowditch, and John Graham Brooks, commissioners.

The commissioners reported the draft of a permissive bill, reference to which, and a short summary thereof, will be found at page 939 of this report.

The appendix to the Massachusetts report contains much valuable statistical information, summaries of the company's regulations, with comments upon the system and the results which have followed its adoption. A few extracts have been made, but it is difficult to convey an adequate impression of the scope and importance of the document by any means short of its entire reproduction.

In regard to the position of the licensed places and the effect of the system on crime, it is remarked.

"In this connection it may be mentioned that one of the first acts of the (Gothenburg) company was to remove the bars from the dingy back streets and courts, and locate them on much travelled thoroughfares, where they may be, as it were, under the surveillance of the public. Complaint is made that this is placing temptation directly in the way of many. But the policy of the company is more than justified by the fact that this turning broad day-light on the saloons has resulted in stamping out the usual loafing outside such places, as well as in exterminating, to a large extent, the confirmed toper and the vicious class of drinkers."

"What has the company system accomplished in the way of diminishing crime, poverty, etc. (p. 47)? The commissioners observe all that can be said is that the statistical data available throw no light on these points, (p. 83), but they further remark, after quoting some statistics of crime, it is impossible to say to just what extent these figures have been affected by the company system. Still, as it may be stated as an incontrovertable fact that the consumption of liquor and the attendant drunkenness have decreased in very perceptible degree under this system, the inference is fair that, with regard to crime and in as far as it is attributable to drunkenness, conditions in Sweden have greatly improved. The same no doubt holds true of the economic status. The unanimous verdict is that the working classes have prospered under the company system as never before, but the statistical evidence at hand is not sufficient to substantiate it. It may be questioned if, in the face of the many disturbing factors influencing the economic conditions of a people, it is ever possible to trace the precise influence of liquor drinking on material prosperity." (p. 84).

In the matter of the distribution of profits in Sweden it is stated in the report of the Massachusetts committee (p. 85) that the surplus profits are in almost every instance distributed with perfect integrity, a fact which has never been brought into doubt, but the complaint is, that under the system the country districts suffer. The concentration of the brandy trade in the towns, which is a direct result of the company system, has caused a large loss of revenue from excise to the country districts. The percentage of the surplus granted the agricultural societies has to be regarded as a compensation for this loss, but it is deemed insufficient, and efforts are being made to secure a larger share for the country districts.

"The ultimate destination of the profts resulting from the sale of liquors, as well of the excise moneys, has been the source of much contention wherever the company system has been introduced. The method now in vogue in Sweden, detailed in the summary of the liquor laws, was not the one originally tried. In Gothenburg the surplus was at first expended simply in the interests of the working classes. But, on realizing the large proportions the surplus was destined to assume in time, this plan was abandoned, and the present one of dividing the surplus between the municipality, *landsting* and agricultural society of the district, adopted. As each of these bodies will naturally insist upon a full share for their respective communities, it is obvious that this method furnishes the necessary safeguard. That the surplus profits are in almost every instance distributed with perfect integrity has never been brought into doubt. Another question is in how far the plan affords absolute justice. The complaint is that the country districts suffer under it. The concentration of the brandy trade in the towns, which is a direct result of the company system, has caused a large loss of revenue from excise to the country districts. The percentage of the surplus granted the agricultural societies must be regarded as a compensation for this loss, but is deemed insufficient, and efforts are being made to secure a larger share for the country districts." (p. 85.)

They further observe that the claim, made in several quarters that the companies have, in general, degenerated into "municipal milch cows," is baseless, and that an adequate refutation of this is found in the fact that none of the principal companies make use of all the powers afforded them of extending their business, but seek on the contrary, to confine the traffic within constantly narrowing bounds.

The commission, having stated fully what they believe to be the advantages of the Swedish system, summarize its defects as follows, (Mass. H. D. 192, p. 87):

"1. The narrow scope of the Swedish system, which does not aim to monopolize at the entire sale a retail and over the bar of all intoxicants.

"2. The absence of sufficient central supervision of the administration of the companies, which is largely responsible for a number of the loose methods previously pointed out.

"3. The practice and manner of sub-licensing, which favours certain classes of society and prevents disinterested control of the whole traffic.

"4. The sale of malt drinks and spirits over the same bar.

"5. The prevailing custom of allowing managers the profit on the sale of malt beverages.

"6. The sale of spirits on Sundays and holidays."

The Chief of Police of Gothenburg reported "The difference between conditions under the old and new order of things is as the difference between night and day," and that dictum was subscribed to in every town visited. (p. 87.)

"The British Minister at Stockholm states in a report issued not long ago by the foreign office, 'I hear from all quarters that the working of the Gothenburg system of licensing continues to be as completely satisfactory as ever.' (p. 89.)

"The British Consul at Gothenburg says: 'I am of opinion from personal observation and experience, that the company has been the means of great improvement, which I doubt anybody can deny, although, from circumstances beyond the control of the company, drunkenness is still considerable here.' Two years ago a report on the system was made to the British Foreign Office, which states: 'There can be little doubt that the influence of the new system has been beneficial from the very commencement.' It says further that the detailed reports received at that time from the British Vice-Consuls throughout the kingdom were 'without exception favourable to the system.' (p. 89.)

"While the law of 1871 (in Norway) does not expressly imply it, the final decision in all matters relating to the companies rests with the Department of the Interior. Its powers are nearly absolute, and upon its approval depends the renewal of the company charters, which are usually granted for a period of five years. It will be noticed that the law does not specify the rate of interest to be received by the shareholders of a company on the capital invested. The by-laws of the various companies all stipulate a five per cent rate of interest, which, by usage, has become almost law, although there is no legal enactment to that effect.

"In order that the companies might obtain full control of all bar trade and retail licenses, a law was passed in 1880 providing for the redemption of all retail and bar trade licenses, that is, those granted previously to 1845, on the payment of a suitable compensation, to be adjudicated by four men. Said compensation is usually fixed at a sum corresponding to the average yearly income of the licensee during the three years preceding the expropriation. If a re-adjudication is requested and is deemed necessary, it must be undertaken by a board consisting of eight men appointed by the king. (p. 93.)

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"All attempts at persuading the (Bergen) company to grant sub-licenses to hotels and clubs have been fruitless. Both travellers and clubmen must either supply themselves with private bottles or visit the dram shops in order to obtain liquor. That class discrimination has been banished and that the restrictions placed upon the sale of liquor operate alike for all is certainly laudable; yet, from a temperance point of view, it may be questioned whether the wisdom of the ground taken is justified by results. It is a notorious fact that drunkenness among hotel employees has increased alarmingly of late, and for this reason: a large number of travellers

provide themselves with a bottle or two of liquor during their sojourn at the hotels, which they keep in their rooms, and on departing often leave only three-quarters emptied. What is left naturally falls to the share of the attendants, and even while the guest remains the bottle is a source of temptation to the waiter. The same is true of clubs. Furthermore, it is a reasonable supposition that the purchaser of the bottle is himself constantly tempted to drink more when a supply is always within reach, than when he has an opportunity of buying single drams. (p. 110.)

"Smoking is everywhere forbidden (by the Christiania company). A large placard tells the customer that he must leave at once when having taken his dram or beer. In some bar-rooms scrolls donated by the Queen, and containing passages from the Bible warning against the evils of intemperance are prominently displayed. Contrary to expectations, they have only exceptionally been made the object of profane remarks." (p. 124).

In respect to the capital stock of the companies it is stated in the Massachusetts report that it is never excessive, and that usually only the amount required for the immediate conduct of business is called in. The number of shareholders varies, according to the size of the capital. In one company, Langesund, the stock was only $160, divided amongst 15 shareholders. In Tönsberg the capital stock of the company was $496.60, distributed amongst 67 persons, and in Tromso the capital was $2,680, held by 76 persons. Inasmuch as the capital stock is generally small and only part of it is paid up, often only 10 or 25 per cent, the interest falling to the individual shareholders is frequently a mere pittance, amounting in the case of one of the companies just mentioned, to 13 cents per share, in another to $2.68 per share. The largest dividends were paid to the shareholders of the Christiania company, who received on an average about $15.00 each. (p. 130-1.)

"Loose methods of administration (of liquor companies) are well nigh impossible in Norway owing to the control exercised by the department of the Interior, to which full annual returns must be made. A company found to deviate from its purpose will lose its charter, as experience has shown." (p. 131).

"The impression has gone abroad that the municipalities have a considerable share in the administration of the companies, and endeavour to increase the traffic for the sake of the profits. Nothing is more remote from the actual truth. The municipalities cannot hold stock nor dictate in any manner how the traffic shall be conducted. They are not even the final licensing power. The question is how far municipal interests receive undue consideration in the distribution of profits will be treated later on. In this connection it deserves mention that the company system has never been made a political question. The companies themselves have been undisturbed by the party strife raging in the country, and have not sought to wield their influence one way or the other." (p. 131).

"At the time of the introduction of the company system, malt liquors being then usually of a light quality, were still regarded in the nature of a temperance drink. This mistake, fatal as it seems to us, of encouraging the use of beer as a cure for the liquor habit, was very natural, for the beers commonly used were pure and not known to be productive of drunkenness. But soon, and perhaps to some extent in direct consequence of the restrictions imposed upon the brandy trade, the consumption of the stronger kinds of beer which had come into demand, grew rapidly." (p. 139).

In the report the hope is expressed that the companies will soon acquire the monopoly of the sale of malt liquors, but it is added that the "danger of pressing a reform beyond the point of public support, is obvious to those in charge of the companies. To establish separate beer shops means a vast addition to the business attended by many complications. There is further the question of compensation for expropriated licenses. Yet a beginning has been made and the time will surely come when all sale of intoxicants, both at retail and over the bar, shall be entrusted to companies." (p. 141).

It is stated in the Massachusetts report that in 1882 the amount given to temperance and total abstinence societies was 4·4 per cent. The amount appears to have

gradually declined until in 1890 it was 1·4 per cent,and it is remarked in the report:—"It has been much commented upon that the companies give the temperance workers such meagre pecuniary support, which evidently is growing less year by year. Repeated enquiries as to the cause of this in some instances are answered by saying:—'We give all that is asked for;' in others, by 'the demands of these societies are so unreasonable oftentimes.' Requests for a share of the profits are usually transmitted to the directors of the companies, specifying the objects for which support is sought. These documents, as well as the final action of the board of directors, are generally printed in full in the annual report of the companies. A perusal of them makes it clear that the demands of various temperance organizations are not always reasonable, as for instance, when money is asked wherewith to pay brass bands, or to build a club house, furnish gymnastic apparatus, pay for a pic-nic, etc. Subsidies for direct temperance work are rarely if ever refused. On the other hand it is known that the directors of various companies have themselves engaged men to labour in the cause of temperance." (p. 145).

"Finally, the testimony of all well-informed people, prohibitionists, civil and ecclesiastical functionaries and others, is unanimous, to the effect that the company system (in Norway) has proved itself a most efficient temperance agent.

"The influence of the company system on economic conditions and on crimes, such as theft, murder, immorality, etc., so often intimately associated with drunkenness, can only be inferred in a general way. Genuine statistical investigation has scarcly approached the vast field here awaiting research.

"With our present knowledge, we cannot go further than to say that, as far as any social evil is the result of intemperance, the company system has helped materially to eradicate it." (p. 142.)

The danger that this company system might lead to the application of a portion of the profits of the liquor traffic to objects having no philanthropic aim, and the funds for the carrying out of which should be provided in the ordinary way by the municipal authority, is not lost sight of in the report of the Massachusetts commission.

There must obviously be a tendency in such a system anywhere to extravagance in the expenditure deducted from the receipts prior to the realization of the amount divisible between the municipalities and the charitable societies, and also a tendency to relieve taxation by applying surplus profits from the liquor traffic to that end. Indeed, one case is pointed out where the charter of a company was revoked because too great heed had been paid to municipal interests.

The commissioners expressed this view:—"That charitable, educational and industrial organizations, etc., can not receive the same recognition in Sweden as in Norway. Of the latter country it is true that hundreds of objects of real public utility are subsidized by the liquor companies, which, in Sweden as elsewhere, are left to private enterprise or generosity." (p. 146.)

The commissioners further observe:—"Some companies are unwilling to aid any enterprise, which, under other circumstances, would be cared for by the municipality, for fear that the public may, in a measure, come to depend on the brandy traffic. Still it is undeniable that the law on the subject has been rather broadly interpreted, and in the question of profits undue prominence has been given to municipal interests." (p. 146.)

The following is the closing summary of the commissioners:

"THE ADVANTAGES OF THE COMPANY SYSTEM,

which are best exemplified by the manner of its application in Norway, may be summed up as follows:—

"1. It is a 'measure of reform, not of destruction,' recognizing that, while the liquor traffic cannot at the present time be abolished by any legal enactment, it may be reformed.

"2. It does away with all incentive to encourage drinking by taking the sale of intoxicants out of the hands of those to whom intemperance is a gain, and entrust-

ing it to persons pledged to carry it on without any profit to themselves, and in the interest of temperance and morality.

"3. The direct responsibility for the abuses connected with consumption of intoxicants is largely placed on the shoulders of the best people in the community, who will be held to strict account.

"4. Drink selling will be divorced from politics, can no longer serve as an instrument of corruption, and one of the greatest obstacles to all social reform may thus be overcome.

"5. The number of licensed places can be reduced to the lowest limits consistent with public safety and complete control, and temptation to drink minimized.

"6. The consumption of liquor can be effectually checked, as competition is destroyed; prices may be raised, and every restrictive measure perfectly enforced.

"7. All the immoral accessories of the saloon are abolished.

"8. Better policing of the places where drink is sold is made easy, and the cooperation not only of the general public, but especially of the temperance reformers, is invited to secure adequate control as well as the detection of illicit sales.

"9. The system does not interfere in the least with the local option privilege, but rather helps to make no license an actuality; it does not advocate a state monopoly, but leaves the drink problem to be dealt with by each community.

"10. It is a powerful means of education, by holding up intemperance as a vice, society will not tolerate.

"11. By securing for the community at large the use of the profits resulting from the traffic, many of the ills inflicted upon society by the abuse of liquor may be eased, counteracting agencies established and morality advanced generally.

"12. Questionable methods or transactions on the part of those who conduct the sale of liquor for the community can be effectually guarded against by the selection of proper licensing authorities, and securing a system of central supervision."

The following extracts are taken from a report prepared by Mr. Constable, Third Secretary of the Legation at Stockholm and forwarded by Sir F. Plunkett to the Marquis of Salisbury on the 9th October, 1890:—

"The scheme for regulating the sale of intoxicating liquors, widely known under the name of the Gothenburg system, originated in Sweden in the year 1865. The object aimed at by its founders was the decrease of the widespread poverty of the working classes, in so far as it was caused by the abuse of intoxicating liquors. The means by which it was próposed to bring about this result were: "

(1) "The radical reform of the manner in which the public house traffic was conducted."

(2) "An artificial heightening of the price of spirituous liquors, to be secured by the suspension of the principle of competition."

"With these ends in view, the authorities agreed to transfer the public house license, then existing in Gothenburg, to a company who consented to undertake the business on the understanding that neither the shareholders, nor the persons engaged as managers, should derive any profits from the sales beyond a fixed percentage on the capital invested."

"This principle of no profits to the sellers is the keystone of the system whenever it has been established in Sweden."

"It is important to notice that in the first year of operation of the new system, viz:—1866, the convictions for drunkenness in Gothenburg dropped from 2,070, at which figure they stood in the previous year, to 1,424."

"There can be little doubt that the influence of the new system must have been beneficial from the very commencement, but this influence was, during the first ten years of the company existence, more than counterbalanced by the rise in workmen's wages, which was considerable towards the latter end of the decade."

"At the conclusion of these ten years it was evident that, on the whole, the cause of public order and morality had not prospered in Gothenburg, and many people were ready to pronounce the new system a failure. In the year 1876, however, a change set in, and the last 14 years have been marked by a steady diminution: "

(1) "In the consumption of spirit per head of the population."
(2) "In the convictions for drunkenness (proportionate to the population)."
(3) "In the number of cases of delirium tremens."

"In the year 1876 the total amount of spirits, native and foreign, consumed in Gothenburg stood at a total of 1,777,728 litres, or 28.90 litres per head of the population."

"The returns for the year 1889 show that the quantity of spirits consumed in that year amounted to 1,568,154 litres. The population having in the interval increased from 61,505 to 97,677 the amount consumed per head has therefore fallen from 28.90 to 16.05 litres."

"In Gothenburg the new system cannot be said to have come into force before the year 1874, because, until that date, the retail trade was not brought under the control of the company."

"In the year 1889, 3,285 convictions for drunkenness appear on the Gothenburg registers, as against 2,410 in 1876. This shows a slight improvement, considering the large increase of population which has occurred in the interval, for if the convictions had maintained the same proportion to the population, and had kept pace with its increase they would have stood at about 3,900 for the year 1889. Still, the progress in this particular is much less than might have been expected from a consideration of the great diminution in the quality of liquor consumed and in the number of cases of delirium tremens, and the explanation probably is that the police surveillance has become much stricter of late years."

"In 1876, 89 cases of delirium tremens were treated in the hospitals of Gothenburg, whereas in 1889 only 42 cases occurred."

"From a commercial point of view, the affairs of the Gothenburg licensing company are very prosperous. In 1889, after paying the 6 per cent to the shareholders, defraying all expenses of management, and handing over 72,400 kroner (£4,022 4s. 5d) as compensation to merchants for the loss of their licenses, it was able to pay 682,231 kroner (£37,901 14s. 5d.) into the municipal and provincial treasuries."

"The sums paid in the public treasuries are used for bettering the condition of the poorer classes and furthering works of general utility."

"In Stockholm the Gothenburg system has only existed since 1877. The question of its introduction had often been canvassed previously to that date, but there were great difficulties in its practical application, in consequence of the large number of permanent licenses which had been granted by the authorities and which had become in the course of time valuable properties. In 1866 there existed no less than 367 of these permanent licenses. In that year, however, the town council of Stockholm appointed a commission to inquire into the titles of the holders of the licenses. These were for the most part pronounced good, but the upshot of the inquiry was that an offer was made on the part of the municipal authorities to the holders of licenses privileged by burgess-ship of a yearly payment of 450 kroner (£25) during the life of each holder, if he would consent to forego his rights. This offer proved to be not high enough, and 146 of the holders elected to retain their trading privileges. In 1875 a new commission was appointed; the result of this second inquiry was that negotiations were entered into, promptly and simultaneously, with all the remaining holders of licenses, so as to prevent, as far as possible, their consulting together and combining to raise the prices. This action was so successful that the town purchased all the licenses, with the exception of 13, for annuities varying between 500 kroner (£27 15s. 6d.) and 2,000 kroner (£111 2s. 2d.), which amounted in all to an annual payment of 124,100 kroner (£6,894 8s. 3d.)

"The population of Stockholm at the time of this transaction was about 144,000.

"The public houses of Stockholm during the last few years, before the formation of the company, had nearly reached the number of 200, a proportion of about 1 to every 750 inhabitants.

"The first use the company made of their monopoly was to reduce the number to 87, a proportion of 1 to every 1,695 inhabitants.

"The Stockholm company have been careful in selecting good open situations for their public houses, so that, in addition to the advantages accruing from the diminution in the number of such establishments, a great advance has been made in the matters of light, air and cleanliness.

"These improved conditions have, in the opinion of Herr Rubenson, chief of police of the city, greatly conduced to the decrease of drunkenness which has taken place in Stockholm during the last thirteen years. He considers that the lower orders feel a certain restraint in the light, well ordered and respectably frequented premises of the company, and are ashamed to conduct themselves otherwise than properly in the midst of such surroundings. They could, of course, drink in their own houses, and it was at one time thought that this would be a danger attendant on the methods pursued by these patriotic associations, but in practice these fears do not seem to have been justified.

"It is generally considered that the early hours of closing enjoined by the statutes of the Stockholm company have had much to do with the diminution of drunkenness.

"It should be observed, however, that the returns published of the cases of delirium tremens and chronic alcoholism are not so favourable for Stockholm as they are for Gothenburg.

"In order to make the evidence with regard to the working of the Gothenburg system as complete as possible Her Majesty's Consuls at Stockholm and Gothenburg were requested to obtain returns from the Vice-consuls within their respective districts.

"Replies have been received from 22 Vice-consuls in all, and are without exception favourable to the new system. In every case except one where statistical information has been supplied the figures show a decrease in the quantity of spirits consumed and in the number of fines for drunkenness, never less and often greater than is the case for Gothenburg. This seems to be of importance in showing that the scheme works quite as well when applied on a small scale as it does for such considerable towns as Stockholm or Gothenburg. The single exception above mentioned is in the case of Umea, which was partially destroyed by fire two years ago. The large influx of working men brought into the district for the rebuilding of the town seems a quite sufficient explanation of the increase of crime and drunkenness which appears lately to have taken place there.

"Another unanimously favourable expression of opinion was obtained from the governors of provinces in Sweden in the year 1877. A committee of the Diet, appointed by the King, had submitted a series of questions to these officials, of which the fourth stood as follows: 'What results have been found to accrue from the transfer of the liquor trade to companies in different communes in the way of promoting order and morality?' From the *résumé* of the replies received, published by Dr. Wieselgren in his account of the Gothenburg system, the governors appear to have borne unbroken and unvarying testimony as to the beneficial effects which have followed the application of the system."

Mr. Thomas M. Wilson, C. E., for many years resident in Norway, published in 1891, a volume on local option in that country with an account of the establishment and working of the society for retailing ardent spirits in Bergen. Mr. Wilson's work is very frequently referred to and quoted from.

In the preface he says that he "was an opponent of the societies when they were introduced, but the nearly 20 years' experience of their working, since acquired, has enabled him to realise how mistaken his original views were, they having been based upon a fear of evils supposed to be attached to the system, which subsequent experience has proved to have been entirely imaginary."

"The author now realizes, fully, his earlier mistake, and is perfectly satisfied that the societies for retailing ardent spirits in Norway have effected a maximum of good to the community at large, with a minimum of inconvenience to the legitimate consumer of alcoholic drinks."

In the introduction he writes that the Gothenburg Society had not been long in operation before it was generally acknowledged to have effected remarkable moral and financial results. The ratepayers speedily realised that every farthing of the society's annual surplus was a direct saving to the ratepaying pocket, while the diminution of drunkenness diminished the ratepayers' burdens in maintaining the police, and other public establishments.

He says that the Norwegians recognize that the Gothenburg system contained an objectionable feature in principle. They considered that it had become a large trading concern conducted in the interest of the local ratepayers, in reduction of the public burdens, and while adopting the general principal of that system, they endeavoured to guard against the danger of the application of profits in direct reduction of public burdens, which might lead to the purity of the motive, in controlling the liquor traffic, being imperilled, and eliminated that objectionable feature from their system; "under the Norwegian system of local option therefore, neither any private individual nor any public body has a direct interest in the profits derived from the sale of intoxicating liquors."

Mr. Wilson adds:—"Any charity or institution, etc., which derives aid, however small, from the local treasury or rates is disqualified from participation in the grants of societies established under the Norwegian system of local option."

Much valuable information is given in the volume as to the parliamentary powers of the companies, vested rights and compensation, the revenue question, the progress of local option, which is stated to have been in Norway as follows:—

Number of societies in operation on 1st January,

| 1875 | 1876 | 1877 | 1879 | 1880 | 1882 | 1886 | 1887 | 1889 |
|---|---|---|---|---|---|---|---|---|
| 15 | 22 | 30 | 35 | 41 | 44 | 49 | 50 | 51 |

Much statistical information in regard to the operations of the societies is also given.

This writer confirms the opinion, expressed by others, that the diminution in the consumption of ardent spirits has been accompanied by an increase in the consumption of wine and ales, especially of ales, and adds that the Norwegian breweries are almost all flourishing institutions. (p. 31).

He states that the societies look forward to the day when the wine and ale licenses and the existing privileges will fall into their hands, and that they endeavor to do whatever is possible to promote that object by buying up the privileges, when obtainable, at a reasonable cost (p. 32); that there are no societies formed to retail ardent spirits in the rural districts of Norway. He adds that the societies' mode of working and the habits of the people have quite accommodated themselves to each other, and the inconveniences, that were feared in the beginning, have been restricted to a minimum. There is no real inconvenience, whatever, caused to any class of the public beyond the hotel visitor, but, it must be admitted, that the monopoly of licenses by the societies has caused the hotel visitor inconvenience, inasmuch that he cannot purchase spirits if he desires to do so in his hotel. He expresses the opinion that the hotel visitor's problem will be solved before long, so that he may have his legitimate wants supplied, without, as at present, having to personally proceed to the nearest societies' bar to consume a glass of spirits, or send a hotel porter to purchase a bottle, when probably a single glass is all that he wants.

Reference is made to the annual reports of the Bergen company. It is stated that in the report for 1880 the directors of the Bergen company refer to certain scientific investigations, which they have caused to be made, of the effects of the consumption of various kinds of alcoholic drinks, the results of which tended to show that the effect of the consumption of alcoholic liquors, injurious to health, stands in a direct relation to the raw material from which the alcohol is produced, and that they had, therefore, taken the necessary steps to secure the supply, and to deliver to the society's customers, spirits free from fusel oil, instead fo the potato spirit so much in use in Norway.

This is written on the bars in Bergen :—"The bar premises are quite plainly fitted out, without the slightest glitter of the gin palace; they are kept clean and respectable, while the stewards and assistants are exhorted to exhibit every courtesy in dealing with the customers. There are no seats of any kind provided, no private compartments, nor any conveniences for loitering on the premises. There are no barmaids, only men in uniform, each with a distinguishing number on his collar to enable his identification in case of complaints." (p. 69).

Reference is frequently made in this volume to the evils resulting from the ale and wine business not being controlled by the societies. In 1884 there appear to have been 60 licenses for the sale of wine and ales in Bergen. The company that year applied for, and obtained, a third license for the sale of ale, but it is remarked that the directors did not consider it prudent to undertake more of these wine and ale licenses until further experience of the trade had been obtained. (p. 72.) And again—"The result of the years trade under the three wine and ale licenses held by the society had been scarcely £2 10s. of profit." In 1882 the society adopted a resolution to set aside a portion of the annual surplus to form a fund with which to buy up the existing privileges to sell wines and ales—independent of a municipal license—with the view of extinguishing them, and thereafter, monopolizing the wine and ale shop municipal licenses. In 1885 "another license to retail wines and ales, making new the fourth, had been granted to the society. The loss on this trade had been for the year almost £150, caused, however, by some extra outlays in adapting premises, to make them more suitable and comfortable." (p. 73).

The company appears to have held a reserve fund of £1,850 sterling in 1890, for the purpose of buying up these wine and ale vendors' privileges. (p. 78).

The remarks made on this subject leave the impression that financial considerations have retarded progress in the acquirement of the control in Bergen of these ale and wine retailing establishments by the organized company.

It is mentioned that the Bergen society, some years ago, erected a number of workmen's dwellings for sale to respectable workmen at cost, on easy terms of payment, and gave the impulse to the formation of the Bergen coffee house society, which is said to have done much good. (p. 87).

Taken from this volume is a tariff of prices for spirituous liquors sold at the society's bars in Bergen, which will be found in appendix No. 131.

Mr. Wilson observes that the Bergen society for retailing ardent spirits, it has been shown, can earn on an average 125 per cent. on the capital employed,(p. 92); that the average of its capital for 13 years was equal to 2s. sterling per head, of the mean population of Bergen; that that capital had returned an average of 2s. 8½d. sterling, per annum, per head, of the mean population; that of this amount 2s. 2½d. sterling, per annum, per head of the population had been distributed, while 6d. per annum, per head of the population represented the company's reserve fund, fittings, utensils and business premises, but which is also distributable eventually in grants.

"The moral results of the work done by the society for retailing ardent spirits in Bergen, are—as will have been gathered from the account we have in the preceeding pages given of its establishment and work—very great, and through its financial aid to objects of public benefit and utility, very far reaching on the well being of the community."

"Then the diminution of drunkenness effected by the society's work, necessarily carries with it an improved condition in not a few homes, and we may reasonably presume, also, that it carries along with it a reduction in crime, although we are not in position to shew this distinctly here.

"When we think of the society's labourer's dwellings, labourer's waiting rooms, the coffee houses sprung from the society's work, &c., its contributions to museums, workmen's lectures, clubs, reading rooms, theatre, &c., besides the host of other beneficient objects, it is not difficult to understand why it is, that English visitors to Bergen are impressed by the well to do look of the population, the absence of drunkenness, beggary and squalid misery, and the well clad and well nourished appearance of the meanest member of the community."

"There is, really, not a tithe of the wretchedness, squalid misery and poverty, drunkenness and beggary so prevalent in English towns of similar size; that the difference is due, to no small extent, to the fact, that in Bergen the sale of ardent spirits is strictly controlled while in the English towns it is not, is indubitable, and is a fact that quickly impresses itself on the minds of those who know the peoples and circumstances of both countries intimately."

A small volume was issued in 1893 by the Church of England Temperance Society, London, on "The Gothenburg system of public house licensing; what it is, and how it works," by Mr. J. Johnson, with a preface by the Rev. H. Russell Wakefield, and an appendix containing the Bishop of Chester's licensing proposals.

The work consists of an introduction by Mr. Johnson, a preface by the Rev. H. Russell Wakefield, evidence as to the working, and the results of the system given before the select committee of the House of Lords in 1877, extracts from the reports of Her Majesty's minister at Stockholm, which are referred to elsewhere in this report, a paper by the Norwegian Vice-consul at Newcastle-on-Tyne, Mr. Conradi, a statement of objections to the Swedish and Norwegian systems by a committee of the United Kingdom Alliance, the licensing proposals of the Bishop of Chester, and some letters addressed, by His Lordship, to the press.

The object of the Church of England temperance society in publishing these documents, seems to have been to diffuse information in regard to the Gothenburg system, and to aid in the discussion of the question of its applicability to England.

The Right Honourable Joseph Chamberlain gave evidence before the committee of the House of Lords. He explained the bill which he had brought before Parliament in 1877, founded upon the Gothenburg system, and under which it was proposed to give town councils the right to acquire by agreement, or failing agreement, by compulsion, all the existing interest of license holders in leases, good-will, stock and fixtures, to enable them to carry on trade for the convenience, and on behalf of the inhabitants, but so that no individual should have any pecuniary interest in, or derive any profit from, the sale of intoxicating liquors. He explained that the town council of Birmingham had by a majority of 46 to 10 members approved of the plan, that the Board of Guardians of that city had also approved of it, that the latter numbered 120 gentlemen, representing directly a population of 400,000 persons.

The Committee of the House of Lords in their report state:—"The effect of the law of 1855 upon the well-being of the population, and the prosperity of Sweden, appears to have been very beneficial, especially in the rural districts, which contain seven-eighths of the population of that country." (p. 21.)

The committee, after quoting a number of facts and statistics, proceed to report:—"Still stronger evidence in favour of this system would seem to be offered by its gradual adoption, after observation of its working, by every town in Sweden, having a population exceeding 5,000, except one. It is in force in no less than 27 towns having 5,000 inhabitants and upwards, and in 19 towns of smaller population. It has been adopted at Stockholm after prolonged discussion, and in spite of the large number of public houses having vested interests, which it was necessary to purchase.

"It cannot, however, be denied that the almost universal adoption of this system was not due simply to the desire of promoting temperance, but also, and perhaps mainly, to the hope of applying the large profits, derived from the sale of liquors, to the reduction of local taxation; a perfectly legitimate object in itself. That the results of the system, however, have on the whole been good may fairly be argued by the support which it has received from those in whose view the temperance of their countrymen is of still greater importance than relief in taxation." (p. 23–24.)

After reviewing, at length, Mr. Chamberlain's licensing proposals, the committee concluded:—"It is improbable that in the first instance many buroughs would avail themselves of these powers. As in Sweden, the results of the experiment by one community would be prudently awaited by others. It might fall to Birmingham alone to furnish the experience which would determine other towns to adopt or

reject so novel and vast an undertaking. If it succeeds, great public good will have been done; if it fails, the loss will affect only the community which has committed itself to the experiment.

"The committee, therefore, are of opinion that legislative facilities should be afforded for the adoption of these schemes, or some modification of them." (p. 28.)

Mr. Conradi, in his paper stated that when he left his native town of Christiansand, some thirty years previously, it had a bad reputation for drunkenness and rowdyism. It was a town often filled with foreign sailors, boatmen, porters and hangers-on. The boatmen in Christiansand had in particular a bad name all over Norway. Brawls were not infrequent. A drunken person was a daily sight. Beggars were to be seen in the streets, dirty and sickly looking, with disease and poverty stamped upon their person. "I have visited my native town almost every year since the new licensing system was introduced, and I have been particularly struck by the rapid change for good which has been brought about. The old topers have died out, and a new generation of sober people have sprung up under precepts and teaching which their fathers did not enjoy. As the moral tone improved, so did manliness and self respect. No ragged child is now seen in the streets, and the last beggar I saw was a sickly remnant of bygone days." (p. 51.)

The reports of the committee of the United Kingdom Alliance contains a short review of the Gothenburg system, and the proposals of the Bishop of Chester. In one part of their report, the committee say:—"Your committee are of opinion that while it may be taken as proved that while certain advantages have accrued from the Bergen system, closer investigation than has yet been made, as to how these advantages have arisen, is necessary." (p. 66.)

"In both Sweden and Norway the national drink is spirits, and until comparatively recently, the superstition that wine and beer are temperance drinks, prevailed. It prevails in these countries no longer. The beer is said to be light, and quantity consumed per head of the population is small—about a fifth of the quantity consumed per head of the population of England—but the people get drunk upon it, and the beer-houses are found to be sources of drunkenness and degradation. Intoxication with wine also takes place, and is being recognized, especially in Bergen, as a nuisance and a danger. The quantity consumed is not large, but the Bolag finds the wine shops as well as the beer-shops are blocking the progress towards sobriety in Bergen." (p. 69-70.)

The views of His Lordship the Bishop of Chester are well known, and it is unnecessary to refer to them at length. It is sufficient, here, to quote a paragraph from one of his Lordship's letters, addressed to the *Guardian* newspaper, and dated the 26th September, 1892: "It should further be noticed that under the Gothenburg system proper, while the local authority retains full control of and is adequately represented on the directorate of the company or society, the much enduring rates escape any new liability, and the labour of the management, as well as the financial risk, is laid upon the shoulders of those who have faith in the enterprise and are devoted to the cause of temperance and the entertainment of the people. Such a plan as this may be introduced with equitable consideration (a less equivocal word, perhaps, than compensation) for the publican. It will bring with it, almost as a matter of course, those details of reform which are aimed at, but imperfectly secured, by restrictive legislation. It will not involve—it will, indeed, save us, as perhaps nothing else can save us, from—that unjustifiably violent and practically ineffectual interference with personal liberty which is one of the most conspicuous blemishes of prohibition. Prohibition has no right to prohibit; as a matter of fact and experience, it does not effectually prohibit, and if by what I must be permitted to regard as a radically unsound enactment, it were in England given the chance of being adopted, as soon as it presented itself in practical shape to country district or town, it would in the large majority of instances, be discomfited by an enthusiasm of counter-prohibition far stronger than itself." (p. 94.)

In August, 1893, the fourth International Congress was held at the Hague "to take cognizance of the measures adopted in order to contend against the abuse of

alcoholic liquors, and to propagate these measures in so far as they may seem efficient and beneficial."

About 200 persons took part in the congress, amongst whom were several diplomats, and also the representatives of Her Majesty the Queen of Holland, of the Holy See, of the governments of France, Italy, Russia, Belgium, Norway and Luxemburg, as well as several delegates from scientific and temperance societies.

During the debates Mr. H. E. Berner, director of the Hypothecary Bank of the Kingdom of Norway, a former deputy and president of the permanent commission against the abuse of alcoholic liquors, of Christiania, drew attention to the Gothenburg system and the recent law of the Grand Duchy of Finland on alcohol, adopted in 1890. By that law the Gothenburg system was adopted as being one of the most efficient means of checking drunkenness. During the course of the debates of the Congress, Mr. Berner made the following remarks:—

"In most countries it (the retail sale of intoxicating liquors) is at present generally conducted by private individuals specially licensed to carry on this trade, and for this privilege they have to pay a separate tax of larger or smaller amount. This retail dealer, like every other tradesman, is desirous of promoting the sale of his goods as much as possible; in other words it is his interest to sell as much intoxicating liquors as possible, and to see that neither public law nor municipal enactment throw any impediment in the way of the trade in drink, or prevent its being a flourishing one. The enormous incomes derived from this traffic by licensed victuallers, and the extensive interests connected therewith, explain the stubborn and energetic resistance that is made to retain the licenses.

"The consciousness of the frightful evil, such an arrangement in the trade in intoxicating liquor involves, led the people in Norway, Sweden and Finland, to introduce a purer system, by intrusting the retail sale of intoxicating liquors to philanthropical companies, whose object shall not be to make profit out of the spirit trade, but who will endeavour by various means to limit it as much as possible, since, under existing circumstances, it cannot be entirely forbidden. The chief point in this system is that the selling of intoxicating liquors is restricted by the shareholders, having no personal interest in the trade.

"The surplus of these companies may be used for objects of public benefit or of a charitable nature, and it should especially be used for the benefit of the working classes, by procuring for them nobler recreation than is found under the coarse and demoralizing influence of the drinking shop."

"This was the simple, fundamental idea of the 'Bolag' arrangement made in the Swedish city of Gothenburg, in 1865, the city from which the system has become most known in other countries, though previous to the year mentioned the system had been introduced into other Swedish towns where, quite independent of each other, they had come to the conclusion that the private retailing of spirits, then existing, was an encouragement to drunkenness, whereas this vice might be restricted by separating the traffic from private interest * * * ."

"It rests in these three countries with the town council to decide the maximum number of retail spirit licenses to be issued, and also to decide whether these licenses shall be entrusted to private individuals or to companies, the statutes of which are approved either by the government or a local authority.

"Further characteristics of the 'Samlag' or Gothenburg system will be given briefly; however, we shall keep the arrangement of Norwegian 'Samlags' more especially in view, partly because I am better acquainted with them, and partly because, in certain respects, the grand principle is here generally carried out with greater consistency.

"As the object of the authorized company is to endeavour to diminish drunkenness, their statutes allow the members, for their labour and risk, to receive only such interest upon their working capital as is usual in these countries, viz., at the highest 5 to 6 per cent, whereas the great surplus is to be applied to redeeming older licenses, and then, as in Norway, wholly to objects of public good, or, as in Sweden, it accrues to the municipal funds, to be applied by the municipal authorities, or, finally, as in Finland, it partly, $\frac{2}{5}$ (two-fifths), goes into the national

exchequer, or to that fund of the same that is employed for the improvement of the means of transport, and the residue (three fifths) is employed by the municipal authorities, for objects of public benefit, but not such as the municipality itself is bound to undertake the means derived from taxing its members.

"The board of directors of these authorized companies generally consists of three to five members chosen amongst the shareholders, at an annual general meeting.

"For a better understanding of the whole authorized company arrangement, let us look at the Christiania authorized company, the largest of all such in Norway, the others being of nearly the same construction and having nearly the same statutes.

"This company, which was established by the efforts of the Christiania municipal council, began its operation on the first of January, 1886. Its first endeavors were to get the older retail licenses into its own hands. Of such licenses there were 72, and of these a number were life-long, and could not be taken from the holders except by giving compensation. Agreeably to the law of first May, 1880, it was decided that the annual compensation, as a rule, shall be the average income of the last two years. All the life-long privileges were redeemed. The amount of the indemnification was, at first, 22,000 *kroner, annually (by death it is now reduced to 13,000 kroner). The authorized company, as soon as formed, granted as many licenses as it considered necessary. The number is 27 at present; twelve of these licenses are made use of by hotels and restaurants, the owners of which have been approved of as managers in the service of the authorized company; thus only fifteen are really made use of by the company's own retailers.

"From the rule that the company alone shall be allowed to retail spirits, four exceptions have been made, viz.: For one hotel and three private societies; the hotel license is only to serve travellers living there, and the societies only to their own members."

"Since the law of 1871 came into force in Norway, authorized companies, in accordance therewith, have been established in all the towns in later years, the number of drinking places has been reduced from 501 to 227, or from one to every 591 inhabitants, to one to every 1,413 inhabitants. With the older concession-holders and drinking places in villages, there are, now in Norway, altogether 304 serving and retail places for spirits, or about one for every 6,600 inhabitants. Furthermore, the consumption of spirits which for the five years, 1871 to 1875, amounted to 2·8 litres (of 100 per cent alcohol strength) per inhabitant, has steadily decreased for each five years; thus for $1875–80 to 2·4 litres, for 1881–85 to 1·7 litres, and for 1886–90 to 1·5 litre.

"In Sweden, likewise, the number of retail sale places has been gradually reduced. In 1885–86, when the Swedish spirit law, now in operation, was put in force, there was a retail license to every 830 inhabitants in the towns, and 3,863 for the whole kingdom; whilst in 1889–90 there was a fixed license for every 969 inhabitants in the towns, and 4,713 for the whole kingdom. According to the official Swedish statistics, the consumption of spirits (of 100 per cent alcohol contents) for the five years 1871–75 was 5·4 litres, for the five years 1876–80, 5 litres, for 1881–85, 4 litres, and for 1886–90, 3·4 litres. As to the Grand Duchy of Finland, I have no list of the retailing places for spirits there; but the average consumption per inhabitant has been 2·5 litres for 1881–86, and for the years 1887–88, the last of which we have a statement, it has gone down to 1·3 litres."

"On the whole it is evident that in these three countries the consumption of spirits has been decreasing, whilst in most European countries, during the same period, the opposite has been the case, and the consumption of intoxicating liquor, per inhabitant, in the first named countries is also less, and very considerably so, than in most European countries.

"It is also worthy of remark that the rise in the price of spirits in Norway (as just now incidentally mentioned), also appears to accompany the arrangement of the authorized retail spirit companies in Sweden and Finland, and the high price is a fresh obstacle raised against brandy becoming a popular beverage.

*A kroner is equal to about 26·8 cents.

"Furthermore, the arrangement of these authorized companies in the three countries has been of exceedingly great importance in hindering the developement of that class, so dangerous to society, the bar keepers so well known in other countries, and who in connection with the producers of intoxicating liquor, with their wealth and their numerous customers, often held in a state of dependance by that very traffic in drink, may offer a stubborn and often an insurmountable resistance to all temperance measures. Of what economical instrument of power the arrangement of these authorized companies may deprive those classes interested in the extension of the trade in intoxicating liquor may be gathered from the following facts: The net income of the authorized retail spirit companies in Sweden in 1889-90 was 6,978,433 kroner, 28 cents, and in Norway, where, as yet, only one third of the spirits consumed is served out by the authorized companies, in 1891 was 1,514,113 kroner; whilst in Finland, in 1888, it was 1,084,711 francs, which sum on account of the new spirit, of 1891, will certainly be considerably increased hereafter. This will also be the case with regard to Norway, next year, when the new law, which so considerably extends the operations of these authorized companies will come into force * * * * *."

"According to a Norwegian law of 1884, the retail sale of beer, wine and cider, for which article a license is required, may also be transferred to the authorized companies. Where an authorized retail spirit company has been established already, it, of course, follows that to such a company shall also be transferred the license for retailing beer, wine and cider. As the sale, but not the serving in bottles, of large quantities of wine, may yet be carried on by every shop keeper in Norway, and the sale of beer also by everybody, the authorized companies have in this connection another kind and that a very stubborn kind of competition to sustain to that met with where the sale of spirits only is concerned. The fact also is that is that several authorized retail companies are losers upon their ale and wine licenses, which they continue to retain simply for the purpose of bringing this trade in intoxicating liquors also in some degree under the control of the statutes of their order.

"As on the whole, the objects of these authorized companies is to restrict the abuse of intoxicating liquor, they will, everywhere, endeavour to bring under controling rules such kinds of beer and wine, as for the greatest part, are simply made use of as substitutes for ardent spirits."

"The formation of the authorized retail spirit companies to a great degree, and in an energetic manner, has contributed, and will continue to contribute, towards solving one part of the great social question of our day, inasmuch as it has effected a diminution in the case of drunkenness, and held forth improvement in the economical, moral and sanitary conditions of the people."

"It is true that the carrying out of the arrangements of the authorized companies has had the support of the general abstinence movement to a great extent, and this movement may be called its father; that even, without the formation of authorized retail spirit companies, voluntary abstinence societies might perhaps have been able to a certain degree, to limit the vice of drink; but such grand results as have now been obtained could scarcely have been achieved except by means in which lay the principle of endeavour to restrict drinking. Against a retail system conducted by private persons with an interest in the proceeds, it would certainly have been impossible to have advanced as far as has been reached by the aid of authorized companies, founded on a restrictive principle.

"My conclusion therefore shall be:

"The authorized retail spirit company system (the Gothenburg system) for the sale and serving of intoxicating liquor, as in operation in Norway, Sweden and Finland, is deserving of recommendation on account of its introducing a new regulating principle instead of the tavern-keeper's selfish desire of enriching themselves by the intemperance of their fellow-creatures.

"This system has been an effective means of combatting intemperance in the above-named countries by placing all such traffic under very strict control, diminishing the number of drinking places, and raising the price of spirits.

"The Gothenburg system, as practised in Norway, Sweden and Finland, ought to be improved in some respects and to be introduced anew into other countries as being one of the most effective means towards diminishing the consumption of alcoholic drinks (spirits, ale and intoxicating wines)."

On the same subject the chairman called on Mr. Lars O. Jenson, of Christiania. This speaker approved of the Norwegian system, and, amongst other things, said:—

"The *samlag* system of Norway has been an improvement when compared with the old drinking shop system:

"1. It offers no inducement for the bar-tender to push the sale of intoxicants as much as possible.

"2. It secures comparatively easy obedience to the liquor laws.

"3. It does not allow the sale on credit.

"4. It secures an early closing of the drink shops, and really many *samlags* close their premises of their own accord, when it is to be feared that people will indulge more than usually in spirits.

"It hinders the formation of an organized liquor party, because the money derived from the traffic is used for charitable institutions and for the public benefit, and does not go to the liquor dealers."

Another orator, Mr. Blonquist, of Stockholm, admitted that the Gothenburg system had done much good, but said: "We have in Sweden the same experience as in the United States and Canada, that the local veto works best in thinly populated districts. In the Swedish towns it has not been possible to apply the local veto."

In the London *Times* of the 21st January, 1895, appears the following:—

"The Public-house Reform Association have just published, through Messrs. Cassell & Company, a shilling book on "Popular Control of the Liquor Traffic," by Dr. E. R. L. Gould. To this Mr. Chamberlain contributes an introduction, whence the passage which follows is taken:—

"'Those advocates of reasonable reform in the control and management of the liquor traffic who desire to eliminate altogether the element of private gain from the sale are generally spoken of as adherents of the Scandinavian or Gothenburg system. The description is not altogether accurate, because, in the first place, there is, strictly speaking, no uniform system in either Sweden or Norway, and the practice not only varies in the two countries, but also in the separate towns and districts in each; and, in the second place, because no one has yet proposed that any of the plans adopted in either Sweden or Norway should be transferred bodily, and without adaptation, to this country, where the history and character of the trade, the habits of the population, and many other important conditions, are widely different.'

* * * * * * *

"'On the other hand, it may be readily admitted that the results of all experiments made elsewhere should be watched with interest for the suggestions they may afford to ourselves, and that, when these experiments have conspicuously failed, we should exercise even greater caution than usual before we assume that they will be more successful with us than with them by whom they have been already tried. On this account I welcome the exhaustive and impartial history of temperance legislation in Sweden and Norway which Dr. Gould has contributed to the dicussion of the general question. Appointed to report on the subject by the United States Department of Labour, the author of the following treatise commenced his task, as he tells us, 'absolutely without prejudice,' and he came away 'a convert to the system.' Is not this general statement from a competent observer of more value in itself than any statistics, however elaborate, especially when it is confirmed, as I believe it is, by every person who has studied the results on the spot without preconceived opinions?'

"Mr. Chamberlain speaks also in his introduction of his own visit to Sweden 18 years ago, and of the evidence he then collected in favour of the Gothenburg system, which, he contends, 'has done more for the promotion of temperance than any other plan yet proposed or tried.'"

There was presented to the Imperial Houses of Parliament, in 1893, a report from Consul-General Mitchell to the Earl of Rosebery, dated Christiania, February 17th, 1893, on "The Gothenburg system regulating the sale of spirituous liquors in Norway."

The Consul-General remarks in the introduction of his report:—

"It is reported or alleged,—

"1. That the 'Gothenburg system,' as modified in Norway, is superior to the prototype institution, for while in Norway no private individuals or public body is supposed to have a direct interest in the profits derived from the sale of intoxicating liquors, those profits are applied in Sweden to the direct reduction of public burdens, leading easily to the imperilment of 'the purity of the motive in controlling the liquor traffic.'

"2. That to the adoption and extension of that system in Norway is attributable 'a very considerable reduction in the home consumption of spirits,' and all the beneficial results arising therefrom.

"The object of the present memorandum is therefore to inquire into the correctness of those views and statements by the light of facts and figures drawn from Norwegian official sources."

Printed as appendices to the report are several statistical statements, obtained from the statistical bureau of Christiania, and from governmental and other sources, relating to the consumption of spirits in Norway, sales by, and gross and net receipts of, the Norwegian societies, details of the distribution of the surplus of the associations for the year 1890, and figures showing the consumption of tobacco, the duty on imported spirits and tobacco, and the numbers and membership of Norwegian total abstinence societies.

Mr. Mitchell points out that the aggregate share capital of the liquor companies was returned at the close of 1891 at £33,000 sterling, and their accumulated reserve funds to about double that amount; that by October, 1892, permission had been given to 51 towns and hamlets for the establishment of the system, leaving only three small towns unprovided with it. By the end of 1891, 43 per cent of the spirits consumed in Norway was supplied by the associations, the net profits of which had grown from £43,875 in 1881 to £104,409 in 1890. Of this last amount 18½ per cent had been applied to the promotion of education, apart from contributions to museums, libraries and gymnastic establishments; 8 per cent had been absorbed in grants to asylums for children, etc., and 14 per cent devoted to such objects of public utility as the improvement of streets, road-making, waterworks, etc., which should not be included amongst objects that should be "dependent for their existence on the voluntary support of the public alone." Theatres and other places of amusement had benefited to the extent of six per cent. The total abstinence movement had been reciving less support, only 1·4 per cent of the profits having been devoted in 1890 to an object which, theoretically, might be considered identical with that of the companies, under their original organization. During the last 15 years the practice of applying the profits to philanthropic purposes had been more and more departed from, and the associations, in several towns, had made contributions towards the construction of waterworks, public schools, and even railways.

Comparison is made of the price of Government securities, and bonds of the Land Mortgage Bank of Norway, with the price of the shares of the liquor associations, accompanied by the remark that the right reserved to the municipalities to buy up at par the shares of the liquor companies alone prevents them from being constantly at a premium.

The consul-general remarks (p. 3):—"But another, not inconsiderable, advantage accrues from holding shares in the associations. The disposal of the surpluses, after payment of 5 per cent interest, bestows power, political as well as social, on shareholders guided solely, at their annual meetings, by their own discretion or interest in the allocation of grants. Exceptionally, communal representatives attend to give advice or urge claims at those meetings;" and further proceeds to observe that the municipalities themselves are strongly interested not only in the establishment of associations for the sale of spirits, but also in their prosperity, and that the

favour with which the companies are regarded by the government and municipalities facilitates the establishment of their dealings on a basis satisfactory to all parties concerned, that is, the shareholders, the municipalities and the central government.

"At Christiania, a couple of months ago, the local association succeeded, by some favourable side wind, in obtaining permission to purchase premises in a quarter of the town in which a couple of large breweries, one of the principal iron and mechanical works, and some other industrial establishments are concentrated. The premises were being hastily converted into an attractive 'gin palace' when the owner of the iron works (an alien) protested, and brought before the 'plenum' of the municipality the fact that the license had been procured by the suppression of the strong objections formally recorded against such a providing of temptation to the large number of workmen employed in the immediate vicinity; and many workmen joined in that protest. The municipality was thereupon compelled to revoke the license; and the association has been driven to set up its shop in a street where fewer 'drams' are likely to be called for.

"Another instance of the doubtfulness of 'purity of motive' is that the Christiania association keeps a shop close to the Western Railway station. Complaints have recently been made in the local journals of the facilities which that shop affords to the large number of peasants and workingmen who travel by that line for obtaining not only 'drams' before starting, but also a good provision of corn brandy for consumption on the journey or at their own homes."

On these and some other grounds which are mentioned in the report it is said, "It may boldly be asserted that the original, purely philanthropic, object of the associations (considered collectively), has been gradually departed from, and that the old licensed victualler, often under circumstances of great hardship, has been replaced, throughout the great part of the country, by hundreds of holders of five per cent shares, by administrators politically and otherwise interested in the distribution of larger and larger surpluses from the sale of spirits, and by municipalities well content to improve and embellish their towns without recourse to direct communal taxation for those purposes." (p. 5.)

"It is urged by the association and their supporters, in support of further legislation, that the competition of the licensed vendors, backed as they are by the distillers, and well served by travellers who take orders for kegs of 'braeandevin' and frequently give long credit, interferes with the full attainment of the 'philanthropic object' of the Gothenburg system, namely, a reduction of the great evil of drunkenness in this country." (p. 5.)

It is stated that the company system is considered from an administrative point of view to be successful, because it simplifies excise control, and leaves the government to deal with registered associations instead of with private individuals. The government also looks with favour on an unchecked enhancement of the price of spirits as an impediment to larger consumption; that, owing to the imposition of higher import and excise duties, the price of ordinary corn brandy has already nearly doubled since the date of the institution of the companies; that it is now a very general practice for yeoman farmers to club together in the purchase of a keg or cask of spirits and of cases of beer, to be promptly distributed in their neighbourhood for consumption at home, and, although the practice is a violation of the law, it is one that is not easily detected. It is pointed out that there has been a large increase in the number of arrests for drunkenness since 1889 in Christiania, Bergen, and Trondhjem. (p. 7.)

Mr. Mitchell comes to the conclusion on grounds stated at some length in his report, such as the economic condition of the bulk of the population, that is, of the agricultural classes, the marked change in the mode of living of those classes, brought about by education and wider intercommunication, to some extent by growing contact with travellers, native and foreign, the increase of communal taxation for local purposes and emigration from the country, that the diminution of the drink bill of Norway between 1880 and 1885, credited to the associations, was almost entirely the outcome of the acute economic crisis through which the bulk of the consumers of spirits were then passing; that the subsequent rise and fall in the rate of con-

sumption accorded with the earnings of the people, especially in towns, to which the rural population had been resorting more and more, where wages have for some time been on the increase as a result of the development of industries, and that, in short, the drink bill of Norway has oscillated with the earnings of the lower classes, irrespective of any philanthropic influence of the liquor companies, but, that although the consumption of spirits show but a small decrease from the consumption in 1881-85 and the rate for the last three years has been growing, it is remarked that "it cannot be denied that outwardly, and especially in towns, there is a decrease of cases of gross inebriety." (p. 10.)

"This can well be accounted for by the greater vigilance of the police and the increase of its strength and efficiency. The penalties for public drunkenness have been made more severe, and where the shops or bars of the associations are well conducted a smaller number than formerly of besotted people are to be found in the streets of a town." (p. 10.)

"Dram drinking appears to be on the decrease where 'bars' are not conveniently available, but chiefly because drinkers of drams have, with their native sagacity as to the value of money, discovered that it is more profitable to buy spirits by the bottle, from which a greater number of drams can be extracted at home, at a smaller cost per dram." (p. 10.)

It is observed that, out of the towns, the continued excessive use of spirits is often painfully apparent, more especially on market days on the high roads leading out of the larger towns.

"To give to the associations the entire, or good part of the credit, for a decrease in visible drunkenness would indeed be to deny, not only the results of education and of more practical religious training, but also the influence of the total abstinence societies that exhist throughout the country. A table among the appendices shows that, from one total abstinence society, in 1859, their number had grown to 853 in 1891, and their members respectively from 30 to 100,000 (including women and children), or to about 5 per cent of the population.

It is only right also to acknowledge the work done in the same direction during the last few years by the so-called 'Salvation Army.' It has certainly rescued in Norway many units from the condition of confirmed drunkards, while even its religious teaching, conveyed in a form grotesque and objectionable to the cultivated mind, has not been without effect on the ruder and poorer classes. Reference must further be made to the growing activity of Norwegian ladies and gentlemen, who devote themselves to the task of rescuing the lower classes from drunken debasement." (p. 11.)

Reference is made to the quality of the liquors supplied, which are condemned as being in many instances a very inferior article sold at a high price; that the strength of the ale supplied, as well as the quantity consumed, is increasing.

Allusion is made to a reported increase in the use of ether or "naphtha." In one of the tables appended to the report the consumption of spirits per head of the registered population of Norway is shown to have been in 1876, 5·95 quarts, and in 1891, 3·22 quarts. In the period between these years, namely 1887, the consumption had fallen as low as 2·51 quarts per head. (p. 15.)

Taking the average gross receipts of the companies in 1891, and the gross quantity of spirits taken from them, it is stated that the receipts were equal to 5s. 10d. per gallon, and the average expenditure 3s. 2d. per gallon, leaving a net balance of 2s. 7d. (2s. 8d?) In 1890 the profit is said to have been 2s. 6d. per gallon. (p. 18.)

The reserve funds, the amount written off real property and fittings, and the amount applied to, or destined for objects of public utility, are given as under:—(p. 18.)

| —— | 1887. | 1888. | 1889. | 1890. | 1891. |
|---|---|---|---|---|---|
| | £ | £ | £ | £ | £ |
| Added to reserved funds | 5,856 | 2,063 | 1,155 | 976 | 293 |
| Written off real property and fittings | 1,968 | 3,212 | 1,935 | 2,421 | 1,913 |
| Applied to or destined for objects of public utility | 38,847 | 48,649 | 60,250 | 73,527 | 81,911 |
| Total | 46,671 | 53,924 | 63,340 | 76,924 | 84,117 |

The number of licenses granted in Norwegian towns and hamlets in 1891 for the sale of ale, wine, mead and cider, are reported to have been 617, of which the companies held 168. The highest sum paid for a license appears to have been £22 stg., the lowest £7 stg. (p. 24.)

An official estimate of the consumption of ale in Norway, said to have been obtained from the finance department of the Government, which shows it to have been 5 gals. 0 qts. (imperial) in 1883,and in 1892, 5 gals. 3 qts. (imperial) per head of the population, is included in the appendices.

Towards the close of last year the London *Times* employed a special correspondent to investigate the Gothenburg system. The letters of this gentleman, published in the paper, have led to a very active discussion of the company system, which is being continued at the present time (February, 1895). It is only necessary to say that this discussion has called forth a great variety of opinions as to the merits or demerits of the Swedish and Norwegian arrangements.

The undersigned believed that it will be generally admitted,—

1. That the introduction of the company system had the effect of reducing the number of public house licenses for the sale of liquor, and improving their condition and management.

2. That since the adoption of the company system there has been an improvement in the quality and a large reduction in the consumption of spirituous liquors; that there has been a large increase in the consumption of malt liquors and wine, but not to an extent to carry the present ratio of consumption of alcohol up to the figure at which it stood before the operations of these companies were commenced.

3. That, although there are no complete statistics whereby the fact can be conclusively established, there has been a decrease in drunkenness and an improvement in the general condition of the population.

4. That the excessive number of establishments permitted to sell malt liquors and wines (and which establishments are only to a very limited extent under the control of the liquor companies), the exemption of wholesale sales from taxation, and the fixing of the quantity which can be so sold at a comparatively low figure, stand in the way of a full realization of the results which might otherwise flow from the operation of the company system.

5. That whether it can be, even in part, attributed to the establishment of the company system, the discontinuance of what was practically free trade in the distillation of spirituous liquors, and the concentration of the manufacture in a comparatively limited number of establishments under organized governmental supervision, has been attended with beneficial results in Sweden and Norway.

6. That whilst complaints on the subject have not been numerous, a fact which, under the circumstances, should not perhaps cause any surprise, the tendency in the distribution of the surplus profits has been in the direction of relieving communal taxpayers—or, in other words, of applying that surplus to objects which should be prombted out of the sums raised by municipal taxation.

Since the foregoing in reference to the Gothenburg system was written a further communication from Consul General Mitchell to the Earl of Kimberley, dated

Christiania, 5th December, 1894, has been printed and laid before the Imperial Houses of Parliament. With this despatch the Consul General transmitted a translation of the law regulating the, wholesale and retail, sale of spirits in Norway, passed at the close of the last session of the Storthing, and which is to come into force on the 1st of January, 1896.

The law obliges the samlags (liquor companies) to pay over 65 per cent of their profits from the traffic to the government, 15 per cent to the commune where the samlag is located, and the 20 per cent remaining is to be retained by the samlags for distribution among temperance societies and other institutions and societies of public utility. The distributions the first year is apparently to be 15 per cent to the government, 15 per cent to the commune, 20 per cent for distribution amongst temperance societies and other institutions 50 per cent to the samlag to be used according to the terms of the existing law, the last mentioned distribution to be reduced by 10 per cent per annum until extinguished, and the reduction, made year by year, to be added to the percentage to be taken by the government.

The receipts, as well as the taxes on the right of sale, are to be reserved for a fund, the use of which will be settled by a separate law. The Consul General remarks that it is assumed that a fund for the bestowal of pensions on old workmen is intended.

Spirits are not, after the 1st January, 1896, to be sold wholesale in less quantities than 55 gallons.

Local option is provided for thus:—

"Before the recognition of a scheme of a samlag takes place * * * it shall be decided by a general vote, in which men and women over 25 years of age have a right to take part, whether the establishment or the continued working of a samlag * * * shall be permitted within the limits of a town * * * It cannot be established or obtain a renewed recognition of its established scheme, if the majority of those entitled to vote are against it." (Sec. 6.)

Out of the samlag's share of the net overplus nothing can be applied to an object which the commune itself, under the laws in force, is responsible to provide for.

In the fourth clause of their instructions the Commissioners are directed to report on "The effect that the enactment of a prohibitory law in Canada would have in respect of social conditions, agricultural, business, industrial and commercial interests, of the revenue requirements of municipalities, provinces, and of the Dominion, and also as to its capability of enforcement;" and the fifth and last clause of their instructions requires them to report "All other information bearing upon the question of prohibition."

There are few social questions which have been more anxiously considered than that of prohibition, and so great and important is the question involved, that almost every civilized nation has given considerable attention to it. The advocates of the prohibition of the liquor traffic claim that where laws of a prohibitory nature have been enacted material benefits have followed, that the customs of the people have improved, the condition of the community been greatly advanced, the moral tone raised, and marked social advance been made. On the contrary, it is asserted by those opposed to prohibitory legislation, that such enactments have been followed by the development of other evils, that the traffic in intoxicants has been driven into corners, back alleys, and other hiding places, that it is carried on in the lowest places by the dregs of society, that it produces perjury and hypocricy amongst the people, corruption among officials, tends to increase drunkenness in homes and the sale of adulterated and poisonous liquor.

The agitation in favour of prohibition in the state of Maine began early in the decade commencing with the year 1830, and with it is intimately connected the name of General James Appleton, who was the first to outline and advocate prohibitory legislation, on the platform the hustings and in the legislature. In 1837, as chairman of a joint committee of the legislature which reported in favour of prohibition, he said, in presenting the report of the committee: "If we have any law on the subject, it should be absolutely prohibitory." The report was laid on the table. The effects were to follow later on.

Amongst Gen. Appleton's most zealous co-workers was a young man born in Portland in 1804, who has since been known to the world as "the Father of the Maine law." General Dow spent several years in canvassing the state, scattering temperance literature, holding mass mettings, and delivering lectures.

These two advocates of prohibition were ably seconded by the followers of the Washingtonian movement. This movement took its rise in Baltimore in 1840, when six members of a drinking club signed the following pledge:—"We, whose names are annexed, desirous of forming a society for our mutual benefit and to guard against a practice—a pernicious practice— which is in jurious to our health, standing and families, do pledge ourselves, as gentlemen, that we will not drink any spirits or malt liquor, wine or cider." They adopted the name of "The Washingtonian Temperance Society," and were popularly known as "The Washingtonians." Early in their existence the founders were joined by John Henry Willis, who, from being a confirmed drunkard, became the foremost leader of the new society. At the close of the year 1840 the Washingtonians numbered 700 members, all reformed drunkards, and, owing to an account of their work appearing in the "Journal of the American Temperance Union" edited by Rev. John Marsh, they were, early in 1841, invited to New York. Other invitations followed, and were accepted, until branch societies had been founded in 160 cities and towns, the aggregate membership being some 100,000 persons at the close of 1841. The next year, 1842, say the formation in New York City of the Sons of Temperance, the founders of the new society being all interested in the Washingtonian movement. The objects of the new society were "to shield themselves from the evils of intemperance, to afford mutual assistance in case of sickness, and to elevate their character as men." As the Sons of Temperance grew, the Washingtonian movement declined, and, in 1843, expire, but not until some 250,000 persons had taken the pledge. The Sons of Temperance grew with rapidity, until the whole of the North American continent was included in their national division, and charters had been granted for divisions in Great Britain and Ireland, Australasia, and Victoria and South Australia. The original plan was widened, early in their history, by the addition of prohibition.

The joint efforts of Messrs. Appleton and Dow, and their associates, resulted in the passage through the Maine legislature of the prohibitory Act of 1846. This was a very crude and unsatisfactory measure, described as containing no adequate provision for the punishment of law breakers, or for the seizure of liquors illegally held for sale.

It was the first prohibitory law enacted in any of the states, and provided,—that the selectmen might, at annual meeting, license one person in every town of less than 1,000 inhabitants, two in any having over 1,000, and three to five in any having over 3,000 inhabitants to sell wine and strong liquors for medicinal or mechanical purposes only. All other selling it prohibited. The penalty for the violation of these provisions was $1 to $20. On conviction for a second offence the penalty was $5 to $20, and the offender was to give a bond in $50 not to violate the Act for six months. On breach of such bond the license, if the offender was licensed, was to be revoked. Provisions denying right of action on obligations to pay for liquor sold in violation of the law were added. In 1850, being a common seller of liquor without license was made punishable by a fine of $20 to $300, or by imprisonment for from 30 days to 6 months.

Not satisfied with the working of the law General Dow and his friends persisted in their agitation to amend it, and a legislature pledged to prohibition was chosen. General Dow, now mayor of Portland, himself drafted an Act, which he believed would be effective, and which his friends thought it improbable the legislature would pass. On 29th April, two days before the adjournment of legislature, General Dow arrived in Augusta, the state capital, and the next day asked the immediate appointment of a committee to consider his bill. This was granted, and in the afternoon the legislature adjourned to hear him in support of it. The bill was presented, its printing rushed, and on the same day it was passed by a vote of 86 to 40 in the House, and of 18 to 10 in the Senate. Governor Hubbard, a democrat, signed it on 2nd June, 1851, when it became at once the famous "Maine law."

This law prohibited any one from selling or manufacturing any intoxicating liquors. Agents were to be appointed in towns or cities for the sale for medicinal and mechanical purposes only, during good behaviour, the penalty for manufacturing and being a common seller, without such appointment, being $100 for the first offence, $200 for the second, and $200, with four months' imprisonment, for the third. In case of selling in violation of the Act, the punishment was a fine of $10 for first offence, $20, for second offence, $20, and imprisonment from 3 to 6 months for the third offence. If the defendant prosecuted an appeal, he had to give a bond not to violate the Act pending decision of the appeal, and in event of final conviction to pay double the fine originally imposed. This last clause was pronounced unconstitutional by the Supreme Court.

Search warrants, seizure and destruction of liquor were authorized on the complaint of three inhabitants, whilst liquor was again made void consideration for any promise to pay or in payment. In 1853 this law was amended so as to elaborate the seizure and forfeiture clauses, and provisions to meet cases of destroying liquors to prevent seizure were included. Liquors used by any chemist, artist, or manufacturer in his trade, and the manufacture and sale by the manufacturer of cider, were exempted from the provisions of this law. Agents were prohibited from selling to minors, without an order of the parent, and to intemperate persons. Intoxication was punishable with 30 days' imprisonment, which the judge might remit, if satisfied that the public weal and objects of the law would be advanced thereby.

The penalties were also enlarged, becoming $20 for first conviction, $20 and 30 days' imprisonment for second conviction, $20 and 60 days for third, and $20 and four months for fourth and subsequent convictions.

In 1855 there was a very elaborate re-enactment of the law, everything being worked out in minute detail, especially the search, seizure and forfeit clauses. Some of this elaboration has not been preserved in subsequent re-enactments and revisions of the law. The penalties were again increased, illegal sale being punishable by a fine of $20 and 30 days' imprisonment for a first conviction, up to $200 and six months' imprisonment for fourth and subsequent convictions. The first offence of unlawfully manufacturing was punishable with $200 fine and six months imprisonment.

The year 1856 saw a revulsion of public sentiment which swept away all this legislation, substituting a license law. This law allowed inn-keepers to sell to guests and lodgers, but not to maintain bars. One or two people might be licensed in each town, and for every 3,000 inhabitants. Liquor sold to others than guests or lodgers was not to be consumed on the premises, and drinking houses, or "tippling shops," were prohibited. The penalties for selling contrary to the law ranged from not exceeding $20 for the first conviction to not exceeding $100 for the third, with alternate imprisonment up to six months.

This law lasted for about two years. In 1858 the question was submitted to the people, whether they would have the license law of 1856, or a prohibition law which was submitted in 1858. They chose prohibition, and the law was enacted. It was short and moderate. The first conviction for selling incurred a fine of $10, which rose to $20, and three months' imprisonment for the third. Another act of the same year declared houses for the illegal sale of liquor to be common nuisances, punished the keeper by a fine not exceeding $1,000, or imprisonment up to one year, if a tenant, made his lease void, and if the owner was privy to the sale or knowingly permitted it, he was subject to the same penalty.

A state commissioner for providing liquors authorized to be sold, from whom town and city agents were obliged to buy, was appointed in 1862, and civil damages were awarded by the Act of 1872.

In 1883 it was decided to submit a prohibitory amendment to the constitution to popular vote, and this was done in 1884, when it was carried.

The law of 1858 is virtually the law of to-day, though in the intervening years 45 or 50 amendments have been made, with a view of adding greater stringency to its conditions.

Maine is always claimed as the first state to have inaugurated prohibition, and in one sense it is, though the principle had been temporarily adopted in other portions of the country before.

As far back as 1733, in the old colonial days, in Georgia, James Oglethorpe, acting on his own responsibility, proclaimed that "the importation of ardent spirits was illegal," and in 1735 he was supported by the passing of the act of the legislature prohibiting it. This lasted till 1752.

Oregon was under prohibition from 1844 to 1849, and Mississippi had partial prohibition from 1839 to 1842. The conditions of these states, however, so materially differed from that of Maine as to render any comparison useless.

Maine was an old established state, in which the civilization of two centuries had developed trade, thought, and the capability of action, and was comparatively well settled. Her claim therefore to be the leader in the prohibition movement must be at once conceded.

The advocate of the system in Maine claimed that prohibition was a success in Portland and other cities, and other states began to follow her example, until soon there was a long list of states in which prohibition was an accepted principle in legislation.

The following table shows the states which adopted prohibition, with the duration of its continuance.

Table showing the states that have adopted prohibition and those that have repealed such enactments:—

| Adopted. | State. | Repealed. | Remarks. |
|---|---|---|---|
| (1). 1846 | Maine | 1856 | Re-enacted, 1858. |
| (2). 1851 | Illinois | 1853 | |
| (3). 1852 | Massachusetts | 1868 | Re-enacted, 1869, repealed 1875. |
| 1852 | Rhode Island | 1863 | |
| (4). 1852 | Vermont | | Still in force. |
| (5). 1854 | Connecticut | 1872 | |
| (6). 1855 | Delaware | 1857 | |
| (7). 1855 | Indiana | 1858 | |
| (8). 1855 | Iowa | | Partial law only; re-enacted more completely, 1883. In 1894 passed a law to tax the traffic and providing for local option. |
| (9). 1855 | Michigan | 1875 | |
| (10). 1855 | Nebraska | 1858 | |
| (11). 1855 | New Hampshire | | Still in force; sale only prohibited. |
| (12). 1855 | New York | | Declared unconstitutional. |
| 1858 | Maine | | Still in force. |
| (13). 1867 | Kansas | 1879 | Partial law only. |
| (14). 1874 | Rhode Island | 1875 | |
| 1879-80 | Kansas | | Constitutional amendment; still in force. |
| (15). 1885 | South Dakota (then a territory) | | Continued in force by state, 1889. |
| 1886 | Rhode Island | 1889 | Constitutional amendment carried and subsequently annulled. |
| (16). 1887 | Alaska (territory) | | Still in force. |
| (18). 1890 | North Dakota (as a territory) | | Still in force under state law. |

From the above it appears that prohibition has been carried in 16 states, and put in force by order of the federal government in the territory of Alaska. It is in force in 7 states only (in one, Iowa, only nominally), and in Alaska. Alaska is counted in this enumeration, as prohibition is the law there, not however by the action of the inhabitants. It is apparently, totally disregarded.

The tide of prohibition seems to have reached the full in 1855, when there were 12 states under prohibition. Then the ebb commenced. In 1867, there were only 7, and in 1877 the lowest point was reached, only 5 states being then under prohibition. In 1887 the average point of 7 was again reached, but has since been practically reduced to 6, Iowa having, in 1894, enacted a law taxing the traffic and

granting what is in reality local option. The states now under prohibition are, according to date of existing enactment, Vermont, New Hampshire, Maine, Kansas, Iowa (with local option), South Dakota and North Dakota. From this it would seem that legislative prohibition is not progressing, and this is also evidenced by making a careful examination of the popular votes in the polls for constitutional amendments in favour of prohibition, submitted since 1880, given in the following table.

Table showing votes on constitutional amendments in favour of prohibition since 1880.

| Year. | State. | Proposed Amendment. | | Vote at the nearest great political election. | No. not voting on amendment. |
|---|---|---|---|---|---|
| | | For. | Against. | | |
| 1880 | Kansas | 91,874 | 84,037 | 201,236 | 25,325 |
| 1882 | Iowa | 155,436 | 125,677 | 292,048 | 10,935 |
| 1883 | Ohio * | 323,189 | 240,975 | 721,310 | 157,146 |
| 1884 | Maine | 70,783 | 23,811 | 142,413 | 47,819 |
| 1885 | South Dakota † | 15,570 | 15,337 | 86,768 | 55,861 |
| 1886 | Rhode Island | 15,113 | 9,230 | 26,875 | 2,532 |
| 1887 | Michigan | 178,636 | 184,281 | 380,885 | 17,968 |
| | Texas | 129,270 | 220,627 | 357,513 | 7,616 |
| | Tennessee | 117,504 | 145,197 | 303,784 | 41,083 |
| | Oregon | 19,973 | 27,958 | 54,954 | 7,023 |
| 1888 | West Virginia | 41,668 | 76,555 | 159,540 | 41,317 |
| | New Hamphire | 25,786 | 30,976 | 90,922 | 34,160 |
| | Massachusetts | 85,242 | 131,062 | 344,517 | 128,213 |
| | Pennsylvania | 296,617 | 484,644 | 997,568 | 216,307 |
| | Rhode Island | 9,956 | 28,315 | 43,111 | 4,840 |
| | South Dakota | 39,509 | 33,456 | 77,827 | 4,862 |
| | North Dakota | 18,552 | 17,393 | 38,098 | 2,153 |
| | Washington | 19,546 | 31,489 | 58,443 | 7,408 |
| | Connecticutt | 22,379 | 49,974 | 153,978 | 81,625 |
| | Totals | 1,676,603 | 1,960,994 | 4,531,790 | 894,193 |

Note.—In 1889 Nebraska defeated both prohibition and —license majority 29,436 against prohibition.
* Although the majority of votes cast, were recorded in favour of the amendment, it did not receive the majority of possible votes, and hence under the State constitution, the amendment failed to be adopted.
† Territory.

Thus it will be seen that out of 19 elections where constitutional prohibition has been submitted, it carried in 8 and was negatived in 11. The following figures show the value of the decisions :—

| | |
|---|---|
| The majority in favour of prohibition in the eight successful elections was | 180,110 |
| But it was short of an actual majority of the voters in these states | 63,262 |
| The total prohibition vote was short of half the votes cast | 142,195 |
| And it was short of half the votes cast at the nearest great political election | 589,292 |
| The total prohibition vote in the 11 elections where the principle was negatived was | 946,577 |
| Which was less than half the vote polled in the nearest great political election in the states by | 679,347 |

Of the eight states where the principle was affirmed, Rhode Island has since re-considered the question, whilst South Dakota territory, as well as the state election, is included.

It will be noticed that up to 1887 the elections show large and substantial majorities in favour of prohibition, but that since that date in 11 out of 13 elections, the adverse majorities have been proportionately greater; and it is also noteworthy that in every case large numbers of voters did not register their votes, the

general trend of evidence being, that in all elections, the promoters of the legislation exerted every nerve in order to carry prohibition, and leave no favourable vote unpolled. It is a justifiable conclusion that the majority of those who did not vote would have cast adverse votes had they exercised the franchise. On the other hand, it is claimed by those favourable to prohibition that influences of extraordinary potency were exerted to bring to the polls every opponent of prohibition: that the national protective association of liquor manufactures and dealers managed the campaign shrewdly and unscrupulously; that diligent agitation of high license and local option was maintained in order to satisfy people who were in favor of prohibition and wean them from their love for it. That artful opposition was made by prominent politicians, and antagonistic use made of the political machinery of both the great parties; that all the great newspapers were opposed to prohibition, and unfair means were resorted to by anti-prohibitionists. In order to fully appreciate the value of some these latter claims, it should be noted that in 10 out of 19 elections the prohibition vote was taken in conjunction with the presidential or state elections; in 2 cases it was taken in connection with town elections, and 7 were special elections.

Were the pleas of undue political influence and the improper use of political machinery to defeat prohibition well founded, it would be natural to look for the chief manifestation of their adverse effects, in those elections where the prohibition vote was taken concurrently with other political issues; but the results show that prohibition was defeated in both the cases where the vote was taken simultaneously with municipal votes, and was successful in 7 out of the 10 cases where comparatively greater political issues were in question. Again, prohibitionists claim that their friends abstained from voting. If this be so, the only conclusion that can be arrived at, in the face of the immense number of voters who failed to place themselves on record in the elections—for instance, Pennsylvania, 216,307; Massachussets, 128,213, and Tennessee, 41,083; is that the prohibitory amendments were killed by the apathy of prohibitionists.

In short, after mature and impartial consideration of the whole question, the evidence adduced before the Commission being also weighed, it becomes evident that the change which took place after 1886 was due to a reaction of pnblic sentiment. That the reaction took place is admitted even by those who deny its conclusiveness and permanency.

The reasons of this reaction will be seen by anyone who dispassionately reads the evidence taken in the United States by the Commission, especially that taken in Maine.

The first great reacon is non-enforcement. "Where is prohibition enforced?" has been asked repeatedly, and the conclusion any thoughtful reader must arrive at, is: nowhere efficiently, and only indifferently in small scattered populations. The whole trend of the evidence only proves this much, that prohibition prohibits where no one wants intoxicating liquors, but nowhere else. Some few witnesses testify that prohibition is enforced, but the vast majority admit, in many cases with reluctance and sorrow, that it does not.

The following table shows the census of the undermentioned states:

| State. | Number of witnesses examined | Law enforced. | Law not enforced. | Expressed no opinion. |
|---|---|---|---|---|
| Maine | 81 | 16 | 61 | 4 |
| Kansas | 66 | 6 | 58 | 4 |
| Iowa | 37 | 2 | 35 | |
| | 184 | 24 | 154 | 6 |

It is urged that prohibition, where enacted, has been an educational factor, but the evidence does not support this claim, despite the fact, as one witness pointed out, that the Commission had the best side put before them. So far from the evidence showing prohibition to have been an educator, it proves that in order to obtain the benefits which advocates of prohibition claim result from it, a higher education is necessary,—and that to such education and its accompanying improved civilization, and above all to the extended influences of christianity, and not to prohibitory enactments, are such results due.

The advocates of prohibition in Canada aim at the entire suppression of the use of intoxicants for beverage purposes. They desire to prohibit the manufacture, importation and sale for all purposes other than sacramental, medicinal and mechanical. Some of the extreme advocates of the system would eliminate the first, that is, sacramental, from the list of exemptions.

The Commissioners have not been able to discover that any such sweeping system of prohibition is in force in any self-governing community. The question was put again and again to witnesses, but only to elicit the answer that they did not know of any country, state or colony, where such a law was in force.

The secretary of the Dominion Alliance, Mr. Spence, after the taking of evidence by the Commission had practically been closed, addressed a letter to the secretary of this Commission, from which the following is an extract:—

"I enclose to you a copy of a brief history of Pitcairn Island, by Dr. F. R. Lees, a place in which I understand there is in force a law prohibiting the manufacture, importation and sale of intoxicating liquor. This is the kind of prohibition concerning which the commissioners made frequent inquiry, but received comparatively little information." "Kindly lay before the chairman of the Commission and oblige."

The papers inclosed with the letter contain extracts from a very graphic and interesting account, by the late Dr. Lees, of the mutiny on board the Imperial ship "Bounty" and the landing of a number of the mutineers, with a few Tahitian men and women on Pitcairn Island, an island, the area of which is three square miles. It describes how, through the knowledge possessed by one of the mutineers of distillation, a highly intoxicating and deleterious spirit was distilled from a native plant, and some frightful scenes of dissipation and crime resulted from the unrestrained use of this liquor; how, at a later period, the distillation was put an end to, and the use of intoxicants of all kinds stopped.

The mutiny took place in the year 1789, and Dr. Lees' book appears to have been published in the year 1853.

The mutineers were, as is well known, a long time on the island without being discovered. At a later period they were transported to Norfolk Island, but subsequently two families returned to Pitcairn. It is understood that the same system of prohibiting the importation and use of liquor has been continued, but the Commissioners have not been able to secure any very recent reports on the condition of matters on the island.

Sir Wentworth Dilke, in his work on "Greater Britain," published in 1869, writes: "Besides the cloth, tobacco, hats and linen, there was a bottle of brandy given for medicine, as the islanders are strict teetotallers."

In the Statesman's Year Book for 1894 the population of the island is stated to be 120.

Since the foregoing in reference to Pitcairn Island was written, there has been received, in response to a communication addressed to Sir Charles Tupper, the following papers:—

"Downing Street, 10th December, 1894.

"Sir,—I am directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 12th ultimo, enclosing a copy of a letter from Sir Joseph Hickson, chairman of the Royal Commission on the Liquor Traffic sitting at Montreal, in which he applied for recent information regarding Pitcairn Island.

"I am to express his Lordship's regret that this office is in possession of extremely little recent information regarding the island, nor are the Lords Commissioners of

the Admiralty able to render much assistance, as the copy of the inclosed letter from their Lordships' department will show.

"I am, however, to inclose a copy of the parliamentary papers in which an account of the transfer to Norfolk Island will be found, and also an extract from a report from the commander of Her Majesty's ship 'Cormorant,' showing what the population was in 1889, and on account by the same officer of his presentation of some jubilee coins to the islanders.

"I am, Sir, your most obedient servant,

"JOHN BRAMSTON.

"The High Commissioner for Canada."

"ADMIRALTY, 5th December, 1894.

"SIR,—With reference to your letter of the 17th ultimo, forwarding a copy of a letter from the High Commissioner for Canada asking for recent information about Pitcairn Island, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Marquess of Ripon, that no recent full report on the island has been received.

"Her Majesty's ship 'Acorn' visited the island in 1890, and Her Majesty's ship 'Hyacinth' in 1893; but no special report of either visit has been received.

"Information concerning this island is contained in the Sailing Directions for the Pacific Islands, volume II. As regards the history of the removal of the islanders, I am to observe that the papers presented to Parliament by your department contain the reports of the naval officers concerned.

"I am, &c.,

"EVAN MACGREGOR.

"The Under Secretary of State,
"Colonial Office."

## "PRESENTATION OF JUBILEE COINS AT PITCAIRN.

"HER MAJESTY'S SHIP 'CORMORANT,' AT SEA
(Lat. 28° 13″ S.; Long. 107° 17″ W.), 22nd July, 1889.

"SIR,—With reference to Admiralty letter M.2,136 of 5th September, 1888, No. 156, and its enclosure—I have the honour to report that I arrived at Pitcairn island on the morning of the 10th instant, and having seen the chief magistrate, Mr. James Russell-McCoy (in the inclosure to Admiralty letter relative to this subject, the chief magistrate is mentioned by name as Mr. John Adams, but there are none of the Adams' family on the island, and the present incumbent has been magistrate now for over three years) I arranged that the presentation should take place that afternoon in front of the school room.

"Accordingly, at 2 p. m., all the inhabitants being present, I explained to them the mission with which I was entrusted, the manner in which Her Majesty wished certain of the coins to be disposed of, and the discretion given to me in awarding the remainder. With reference to this discretion, I told them that these coins were not to be looked upon as commercial articles, but rather as memoirs of the Queen's jubilee, by which Her Majesty desired to express her approval of their loyalty.

"I considered therefore that the wishes of Her Majesty would be best met by distributing them as generally as possible among the families, and to this end I proposed giving the coins as far as they would go to the women of the island, in accordance with age seniority.

"Then, as I explained to the men, all the married couples would have a memoir in the family, and in due time, when the present unmarried men took upon them the same responsibilities, they would also have a share in the remembrance.

"This appeared to meet the hearty approval of the islanders.

"As there are now 67 women and girls on the island and there were 58 coins for distribution, all but the very little ones came in for one.

"The names of the women were then called out in turn, and I presented them each with their due, being generally answered with 'Thank you, thank you, sir, and thank our Queen, God bless her.'

"After this three cheers were given for the Queen and the National Anthem sung very nicely, every one taking a part, and the smallest children apparently knowing all the words by heart.

"I then took a photograph of the islanders, telling them that should it be successful I proposed forwarding it on, and the proceedings terminated. I forward herewith the group in question, as well as one or two other views which, under the circumstances, may interest Her Majesty.

"Inclosed is a letter of thanks from the islanders.

"I have, etc.,
"J. E. T. NICOLLS,
"*Commander.*

"Rear Admiral,
"ALGERNON C. F. HENEAGE,
"Commander-in-chief, &c., &c., &c.,
"Pacific."

"PITCAIRN ISLAND.

"*Visited 10th July*, 1889.

"A fresh westerly breeze was blowing, with an accompanying swell, on our arrival here on the morning of the 10th, so not caring for the exposed look of the anchorage off Adam's Town, I went round to leeward, and anchored off the west landing.

"*Inhabitants.*—The inhabitants have been increasing since our last visit, and now run as follows, viz.:—

| | |
|---|---|
| "Married men (2 widowers) | 21 |
| "Unmarried (over 14 years) | 9 |
| "Boys | 28 |
| "Total | 58 |
| "Married women (3 widows) | 23 |
| "Unmarried (over 14 years) | 18 |
| "Girls | 26 |
| "Total | 67 |
| "Grand total | 125 |

"From this it appears the male element is on the increase.

"*Supplies.*—The prices remain the same.

"*Present from the Queen.*—I duly presented the coins sent by the Queen for distribution, and as perhaps Her Majesty may take an interest in it, I have written a more detailed account, which I attach, together with photographs of the place, which may also be of interest.

"J. E. T. NICOLLS,
"*Commander.*

"Her Majesty's ship 'Cormorant,'
"At sea, lat. 28° 13′ S.; long. 107° 17′ W.,
"July 22nd, 1889."

The printed papers forwarded were:—

Correspondence on the subject of the removal of inhabitants of Pitcairn's Island to Norfolk Island. Presented to both Houses of Parliament, February 5, 1857.

Further papers (part I) respecting the same, presented to both Houses of Parliament, June 11, 1857.

Further papers (part II) respecting the same presented to both Houses of Parliament, June 11, 1857.

Return to an address of the Honorable the House of Commons, dated 30th July, 1862, for "copy of correspondence with the Government of New South Wales in reference to Pitcairn Islanders settled in Norfolk Island (in continuation of papers presented 11th June, 1857)." Colonial Office, May 19, 1863.

On Sunday, the 8th of June, 1856, the former inhabitants of Pitcairn's Island, to the number of 194 souls were landed in Norfolk Island. This island, which contains an area of 8607 acres was discovered by Captain Cook in 1774, but does not seem to have been utilized in any way till 1788, when it was taken possession of as a convict settlement. In 1805 the settlement was abandoned, but in 1826 the island again became a convict settlement for New South Wales convicts, and in 1844 it was transferred from the administration of New South Wales to that of Tasmania. The island is well watered and very fertile, and it having been decided to remove the convicts for ever, was considered the spot most adapted in every way for the future home of the simple minded descendants of the mutineers of the "Bounty." They found themselves in a much larger island, possessed of the fine buildings formerly used for the penal settlement, but without their accustomed scenery or food. On June 28, 1856, Captain Freemantle, of H. M. S. "Juno" wrote, "The voyage from Pitcairn Island has tended in some degree to unhinge the islanders from their usual quet habits, and the astonishing contrast, between the home they have left, and the one they have taken possession of, has contributed still more to unsettle their minds. Perfect strangers to everything they see, and diffident of acquiring skill and knowledge in the different pursuits and occupations necessary for their future maintenance, they appear generally in a depressed mood."

Prior to the transference of the islanders from Pitcairn to Norfolk Island, the question of again placing Norfolk Island under the administration of New South Wales, instead of that of Tasmania, had been raised, and in 1856 the 18-19 Vic., chap. 56, sec. 7, known as the "New South Wales Act" was passed by the Imperial parliament, and gave Her Majesty power to make fresh provision for the government of Norfolk Island. In accordance with this act an order in council dated Buckingham Palace, 24th June, 1856, was issued, making Norfolk Island a distinct colony, under the administration of the Governor of New South Wales, but not the legislature, courts of justice, or magistrates. This order in council provided "that the said governor for the time being of Norfolk Island, shall have full power and authority to make laws for the order, peace, and good government of the said Island, subject, nevertheless, to such rules and regulations as Her Majesty at any time by any instruction or instructions, with the advice of the Privy Council, under her sign manual and signet, may think fit to prescribe in that behalf." Throughout the whole of these proceedings, from the time the sight of a man of war first startled Adams from his fancied security in Pitcairn, these people had been treated by the British government as "wards" unable to help, or defend themselves. In despatches they are spoken of as recipients of Imperial bounty, and "attached subjects of the crown." It was also early pointed out to the Pitcairn islanders that Norfolk Island could not be "ceded" to them, but that the title to all land would remain vested in the crown; whilst they begged, as a privilege, that they might live at Norfolk Island in as great seclusion as they had maintained at Pitcairn, and this boon was granted, by implication at any rate. In accordance with the powers conferred upon him by the order in council, Sir William Denison, Governor, drafted a set of "laws and regulations for Norfolk Island" which were published in the "New South Wales Government Gazette," Friday, 30th October, 1857. These regulations contain the following prohibitory clauses:—

"35. No beer, wine or spirituous liquor of any kind shall be landed upon the island, except such as may be wanted for medicinal purposes, and this will be placed among the other medicinal stores in charge of the chaplain, to be issued by him at his discretion, all issued to be noted in the register.

"36. Should any beer, wine or spirits be landed or found in possession of any person on the island, (whether such person be an inhabitant of the island or a visitor) the vessels containing the same will be immediately destroyed, and the contents thrown away. The person in whose possession these articles are found will be liable to a fine of 40s."

In consequence of the law officers of the crown taking exception to the phraseology of some of the clauses, these regulations were amended in November 1859, but the clauses quoted were not, in any wise, altered.

Between these two dates, however, a change had come over the islanders. A few had never been anxious to remove from Pitcairn, and had only done so, apparently, because the remainder left. The gloominess spoken of by Capt. Freemantle in June 1856, appears to have increased, and been augmented, 1st. by a lack of food which occurred in the first year: 2nd, by the difficulty of learning the various agricultural and other industries, and, 3rd, by the persistent efforts of the Bishop of New Zealand to establish a Melanesian College on the island. Sir William Denison distinctly, and consistently, opposed this proposal (Further Papers, Part 1), whilst Sir John Young, in May 1862, writing to the Duke of Newcastle, strongly condemns it. (Correspondence relating to Pitcairn Islanders at Norfolk Island, p. 47). This last cause some of the simple islanders took very deeply to heart, having conceived that they owned the island "in toto." As a result of this feeling, two families named Young left the island in November 1858, and returned to Pitcairn, where they settled numbering in 1860, sixteen souls in all. These were afterwards joined by others. In 1860, Capt. Montressor of H. M. S. 'Calypso,' writes of Pitcairn, that "in the literally infant state of this colony, they have as yet no recognized laws, and no magistrate, but it is the intention of the heads of the two families, as their children grow up to establish the same rules which have been handed down to them from the time of old John Adams."

In 1867 the Melanesion College of St. Barnabas was founded in Norfolk Island by Bishop Patterson, in whose memory later on a memorial church was erected in connection with the college. Speaking of this, Lady Belcher, (Mutineers of the "Bounty," 1871, p. 315), says one of the causes which led to the establishment was that the isolation of the islanders had been destroyed. "Strangers had by this time become domesticated among the original colonists, and the not in frequentvisits of whaling vessels, with their disturbing accompaniments, rendered absolute isolation impracticable."

The population at present is 750 (Statesman's Year Book, 1894), of these, the Encyclopœdia Britannica states, two-thirds are descendents of the old Pitcairn Islanders.

The following is a copy of a letter from the Imperial Colonial Office addressed to the High Commissioner for Canada on the 6th February, 1895.

"Colonial Office, Downing Street, 6th February, 1895.

"Sir,—In reply to your letter of the 9th ultimo, I am directed by the Marquess of Ripon to transmit to you a copy of the regulation as to the liquor traffic in Norfolk Island.

"I am to add that there is no information in this department as to the working of the regulation.

"I am, sir, your most obedient servant,

"R. H. Meade.

"The High Commissioner for Canada."

The regulation referred to in the foregoing letter is No. 35, recorded at page 1233 of this report.

The prohibitive laws in force in the United States aim at the suppression of the liquor traffic, or the buying and selling of liquor for beverage purposes, within the boundaries of the particular states which have adopted such laws. Under the Federal constitution the right to procure for his personal use such liquors as he may desire, is practically, secured to every citizen of the country. In each and every one of the states in which prohibitive laws exist, a citizen can import, either from a foreign country, or from any neighbouring state where they are to be had, any liquors which he may wish to obtain for his personal use.

Vol., II, Q. 29690-1-2
Vol. IV.. Q. 4451 *a*
" Q. 9575 *a*
" Q. 10818 *a*
" Q. 14134 *a*
" Q. 11298 *a*

The evidence taken by the Commission has developed the fact that amongst a very considerable number of the advocates of a prohibitive system for Canada, the law in the United States has not, in this matter, been clearly understood.

Amongst the advocates of the system there are many differences of opinion as to the character of the legislation which should be sought for. Some would permit individual liberty as to the use of liquors as a beverage, whilst prohibiting the manufacture or sale of them within the country, but this is not the view of the Dominion Alliance, practically the head, and probably the most important and active of Canadian temperance organizations.

These observations in regard to the character of the prohibition, which has heretofore existed, or now exists, are rendered necessary before proceeding to examine what the effect of such prohibition as has existed elsewhere, has been.

No where, so far as this Commission has been able to investigate, have prohibitory laws had the effect of stopping the use of alcoholic liquors as a beverage.

The Commissioners have anxiously sought to ascertain if the operation of these laws has had the effect of lessening the consumption of liquor, curtailing intemperance and reducing the number of offences against the laws, to a greater extent than the system of license and regulation, which it is needless to say, has been much more generally resorted to all over the world, than has the prohibition of the traffic.

General prohibitory laws are, practically, confined to the United States. Local option laws exist in some of the colonies, have existed, and do exist, in Canada. Prohibition against the giving or selling to the aboriginal inhabitants, in many of the colonies, as in Canada, has existed and exists.

In previous portions of this report, comparison has been made, as far as it has been possible, of the results secured under the prohibitive system elsewhere, with those which have been obtained in the Dominion under the license and local option systems which have been in force, and the conclusion arrived at by the undersigned, is, that, progress towards the suppression of intemperance, the curtailment of offences against the laws, and the suppression of vice generally, has been greater and more solidly satisfactory in Canada than it has been in any of the neighbouring states similarly situated which have adopted prohibition.

The evidence now submitted affords ample proof that prohibition and persuasion do not travel on parallel lines with equal zeal. Where prohibition has been adopted, in many cases individual effort, and the efforts of temperance organizations to promote sobriety, and personal abstention from the use of intoxicants, have become less effective, and in not a few instances have been to a great extent abandoned.

"Temperance implies self-restraint, and self-restraint ends where coercion begins," said Professor Goldwin Smith in his evidence, and it may be added that when the law undertakes to prohibit, persuasion generally ceases.

Rev. Professor Clarke, of Toronto, in his evidence said:—"As a principle it seems to me to be quite inconsistent with the divine government of the world for one thing. God does not make us good and strong by locking up all the cupboards in our houses, or in the universe, which may contain anything hurtful."

The undersigned have already expressed the opinion that more substantial progress has been made under the system pursued in Canada for regulating the liquor traffic, than has been achieved under prohibitory legislation in the states of the United States which have adopted prohibition, and, it is only necessary to add, that they do not believe the social condition of the people of the Dominion would be improved by the enactment of a general prohibitory law.

The agricultural interests, so far as they are represented by money considerations, are set forth in a previous portion of this report.

The adoption of prohibition would deprive the farmers of a market for a considerable portion of the product of their farms. The barley which is supplied for malting purposes is produced on soils peculiarly adapted to produce it. A home market affords the farmer a ready means of converting this crop into cash at a season of the year when the latter is in many instances indispensable, if he is to meet engagements. That some other crop could be produced instead of barley, is doubtless true, but it is undoubtedly also true that this change, if it could be brought about at all advantageously, would, for a time, inflict considerable loss upon the producer.

The production of hops is one of the expanding industries of the agriculturalist. This branch of farming probably leads to the employment of a larger number of laborers than any other, in proportion to its magnitude. There have been small shipments of hops to England, but it is manifest that this outlet for Canadian hops could not, for many years to come, take the place of the present home market, which absorbs about 860,000 lbs per annum.

The following is an extract from the report of the Minister of Agriculture for the year 1893:—

"I desire to call attention to an industry which I consider as capable of a considerable degree of extension, that is hop growing. In the year 1892, the United Kingdom imported from all countries twenty one million pounds of hops, of which Canada only exported to that country 24,000 pounds, whilst the United States sent to Great Britain over twelve million pounds, valued at upwards of two million dollars. In the year 1891 the census figures show that there was a net import into Canada, of 341,312 pounds which at twenty-five cents per pound, the average price calculated during a period of ten years, is equal to $85,330, paid out for an imported article. Now it seems to me that the cultivation of hops is an opening for agriculturalists in an industry which has hitherto been completely overlooked; for the importation of an article from abroad which can be raised on our own soil, takes out of the country an amount of money which would be far better circulated among our own people.

"I have called the attention of the director of the experimental farm to this matter, and expressed the desire that a bulletin be issued, as soon as possible, to supply full information on the subject of hops and hop growing."

An increasing quantity of corn, grown in Canada, is being used yearly for the production of spirits. One firm alone uses between 5,000,000 and 6,000,000 pounds A small quantity of wheat is made use of, and a large quantity of rye.

The farmer finds also in connection with the brewing and distilling establishments of the country, a home market for a large number of cattle which are fed from the refuse of these establishments. That the cattle thus disposed of by the farmer, and fed by the distillers, could not be fed with equal advantage and equally satisfactory financial results, on the raw grains purchased from the farmers, and used by the brewers and distillers, is doubtless a fact.

The stoppage of the making of spirituous and malt liquors would, just to the extent that such products, as have been mentioned, are now made use of in their manufacture, destroy the market therefor.

In some parts of Canada, as stated elsewhere, large quantities of wines are made by manufacturers from grapes grown in the locality where the manufacture takes place. Not only is wine extensively manufactured in this way, but many farmers who grow grapes also make wine. This is a growing industry, and its stoppage would deprive many persons of their present employment, and would lessen the demand for grapes, thus probably compelling the destruction of vines in order to fit the land for other purposes.

That prohibition of the traffic would adversely affect the agricultural interests of the country, the Commissioners believe is a fact beyond successful contention.

A large quantity of coal, the product of Canadian mines, is used. This would, no doubt, readily find some other market, and the amount now paid for transportation of meterial used, would probably be in a short time, in part at least, distributed into other channels.

Prohibition, such as is sought for, could hardly fail to close every brewery and distillery in the country. Such liquors as might be required for medicinal, mechanical, etc., purposes would not be made in Canada. The idea, given expression to in some parts of the evidence, that the Government might undertake the manufacturing and supplying of liquors which would be required for these purposes, and by imposing extra charges upon them, or disposing of them at high prices, partially recoup the revenue, which would be lost to the country by the adoption of prohibition, the Commissioners believe to be undesirable and impracticable.

The business, industrial and commercial interests are so closely interwoven that they have to be considered conjointly.

Adopting the view, that the breweries and distilleries would be closed, wholesale houses to a very large extent, also closed, and the retail trade in liquor put an end to, there would probably be thrown out of employment not less than 30,000 persons, many of them having families, and all at present earning their livelihood directly from the liquor traffic. This is an estimate. The data does not exist from which a correct statement can be compiled. It excludes the numbers engaged in the making of cider and native wines.

That the cognate trades furnishing supplies to brewers and distillers, amongst which may be mentioned coopers, bottle-makers, cork-cutters, capsule-makers, etc., would be largely affected, cannot possibly be questioned. That real estate, buildings and machinery, occupied and employed by brewers and distillers would be seriously affected in value, there cannot be any doubt. In fact, much of it would be rendered almost valueless.

That property occupied by the wholesale and retail vendors of liquors would also be depreciated in value if the traffic in liquor was put an end to, is, the Commissioners believe, a certainty.

It is not, of course, practicable to definitely determine to what extent all these interests would be affected by the adoption of a law prohibiting the making, importing and selling of liquors, but it is impossible to suppose that so serious an interference, as it must bring about, with a business, which, one way and another, affects investments and the employment of money, in the aggregate, equal in amount to that of the whole of the capital of the chartered banks of Canada, could take place without causing a very grave disturbance of the industrial, commercial and financial affairs of the country.

The following question was put to several of the leading bankers of the Dominion:—

"What, in your opinion, would be the effect on financial, agricultural, commercial, industrial and business interests generally, and upon the revenue requirements of the Dominion, and provinces and municipalities, of the enactment of a law prohibiting the importation, manufacture and sale, except for medicinal, sacramental and mechanical purposes, of all intoxicants?" The answers obtained were as follows:—

Alfred Brunet, Esq., Manager of La Banque Nationale, said that he had no doubt that the prohibition of the manufacture and traffic in liquor would diminish, considerably, the revenue of the country, and would also interfere with the trade of the country, for the reason that liquor being a large item in the business of the country, it would diminish the business to a certain extent and would certainly reduce the revenue of the Dominion Government largely.

E. S. Clouston, Esq., Manager of the Bank of Montreal, Montreal, said that he could only give a very "sketchy" answer to this question, as he had not given it any fair consideration. He had never looked upon the question of prohibition as being a practical one. "The liquor traffic no doubt gives employment to a large number of people, farmers and others, and assists many through a large number of channels and is the means of a great deal of good, and financially it is productive of a large amount of revenue, both Dominion and Provincial" (030734). It is one of the means by which money is kept in circulation, and the Bank of Montreal has a good many accounts directly and indirectly with those in the liquor traffic. The passage of a prohibitory law would cut off almost wholly the revenue now collected

by the Dominion Government of $6,000,000 or $7,000,000 a year from excise and customs duties on liquors of all kinds. Such a state of affairs would have a very serious effect, and he did not see how they could replace the loss of the revenue. Total prohibition would mean a very large expense to make the law effective. In the province of Quebec the loss of so much revenue would be a very serious matter. Such a law would take away a market for a certain amount of grain, but he did not think it would make a very serious difference to the agricultural community. It would have a depressing effect on the property occupied by those selling liquors, and it would injure the value of property in some cases near these places. It would depreciate the value of property held by brewers and distillers, and would render their plant perfectly useless, although the real estate could be used for other purposes.

A. D. deMartigny, Esq., Manager of the Jacques Cartier Bank, said, in regard to the effect of a prohibitory law, that he could not express an opinion on that as he had not made a sufficient study of it. He thought a prohibitory law would do great damage to the country. It would effect the revenue of the Dominion to a large extent, and also the revenues of the large cities and municipalities. No doubt the government might devise some other scheme of taxation, but he thought the liquor traffic should pay the highest amount of taxation, because it is a traffic that is not absolutely necessary.

Henry Barbeau, Esq., Manager of the City and District Savings Bank, said that it would be necessary to replace the revenue which would be lost by the enactment of a prohibitory law, but he did not think it could be done very easily. To raise the amount would be to the detriment of other trades. The province of Quebec could not afford to lose the revenue from the liquor traffic without imposing taxes in some other way, and direct taxation would be the only way. Direct taxation, though unpopular in Quebec, is practicable. A prohibitory law, such as is referred to in this question, would injuriously disturb financial operations very much. He had not observed that the drinking habits of the people interfered with their savings. (29,908).

M. J. A. Prendergast, Esq., Manager of the Bank of Hochelaga, Montreal, said,—"A law prohibiting the manufacture and sale of spirits would I believe have a beneficial effect on all interests, particularly if light wines were imported in their stead. It would create a new industry in the country, and incite farmers and vine growers to put more of their capital and energy into this industry; and I believe the whole community would benefit by that, as well as by the increased duties and excise collected on the importation and manufacture of light wines, and I think that the decrease of the evil effects arising out of drunkenness would be felt very beneficially in every branch of the trade." He thought the revenue derived in that way would eventually replace the present revenue which would be lost, although there might at first be a deficit. The deficit could be made up by direct taxation, and he saw nothing more equitable than income tax. (29861).

F. Wolferstan Thomas, Esq., Manager of the Molsons Bank, Montreal, thought that if the liquor business were closed entirely it would have a very baneful effect on a great many interests. There would be a loss of the cattle which are now fed by the refuse from the manufacture of spirits. There would be more, or less, of trade and commerce affected by it as a medium of exchange. "But still I come back to what my full belief is, that if the monies now invested in the manufacture of spirits and liquors were applied in other directions to improve the system of agriculture, for instance, I believe the county would be very materially benefited, and still, I do not say, I believe in prohibition." It would necessarily drive all the brewers and distillers out of the business. Such a prohibitory law is very undesirable. (030666). Mr. Thomas had no doubt, but that the money, now invested in distilleries and breweries and the liquor business generally, would find other employment, if it were out of that business. (030702). "If I know a person, merchant or otherwise, who drinks immoderately, to apply to open an account in the bank of which I have charge-if I have any say in the matter, I decline to receive that account." That is he would

avoid making a loan to him. (030706). As far as the financial status of his Bank in the North-West is concerned, the change in the law there has not had any effect, one way or the other.

W. Weir, Esq., President of the Ville Marie Bank, Montreal, said that a prohibitory law would sweep away both the customs and the excise duties, and decrease the revenue of the Dominion by about $6,500,000; but if the law were enforced and obeyed by the people, the prosperity of the country would be so much greater, that the revenue, derived from other articles, would be increased between $3,000,000 and $4,000,000. The deficit he thought should be made up by a tax on tea and coffee. In regard to the Province of Quebec, it would be very difficult indeed to replace the revenue, which is, at present, derived from the issue of licenses, about $600,000 per year. In regard to the agricultural interests of the province, he thought, that, if the farmers could sell their grain, elsewhere at the same price, as they do to the breweries and distilleries, they would not suffer very much. (29772). The absorption of so much capital in the liquor business is not too any extent injurious to other industries; but the money spent on liquor shuts it out from other enterprises, and is a constant waste, and in so far as the people are impoverished by it, and rendered unable to purchase articles, of necessity and of luxury, that would stimulate other branches of business, it is injurious.

George Hague, Esquire, General Manager of the Merchants Bank of Canada, Montreal, said that the effect of absolute prohibition, on business, would be "to destroy the value of a large amount of, what is now valuable property (namely, the buildings and plant of every brewery and distillery in the country), to throw a large number of persons out of employment altogether, and much diminish the employment of many other persons. There can be no doubt that a large amount of distress to families would follow until matters were adjusted to the new opinion. The cutting off of the income of all the persons and companies engaged in the business, and their officers and clerks, with the diminution of business of those amongst whom their incomes are spent, has also to be taken into account.

It would be difficult to see how the Government could make up the large diminution in their revenue, which it would be necessary to do. The passing of a prohibitory law would involve compensation, a question which has a very far reaching application. Not only would the owners of properties claim to be considered, but also, the very large number of persons thrown out of employment in connextion with them. Mr. Hague thought it was probable that $12,000,000 or $15,000,000 at the lowest calculation would be required for that purpose, which sum would be a permanent addition to the burdens of the country. On the other hand, if a prohibitory law were carried out, and had the consumation of abolishing drunkenness, there would be an increased consumption of dutiable articles, an increase in the business of Savings Banks, and, in time, of housebuilding, and other forms of desirable expenditure, all tending to increase the revenue of the country and the value of property. (Q. 30303).

J. Herbert Mason, Esq., President of the Canada Permanent Loan and Savings Company, Toronto, said that the immediate effect of the passage of a prohibitory law, would be to cause the capital, now invested in the liquor business, to be, for the time being, idle and useless, and it would also deprive the agricultural interest of the market for those grains, which are raised specially with a view to the munufacture of liquors. It would have little effect on commercial interests beyond those engaged in the wholesale and retail trade in liquors. He doubted, the beneficial effect of the enactment of a prohibitory law upon the general interests of the Dominion, partly, "because I would regard it as almost impossible of enforcement, and because I doubt its advisability, even if it could be enforced." (Q. 14453*a*).

David R. Wilkie, Esq., President of the Toronto Board of Trade and cashier of the Imperial Bank of Canada, said, a prohibitory law could not be enforced; smuggling could not be prevented. "There is no doubt that neither the financial, the agricultural, the commercial, the industrial nor the business interests, would suffer if such a law could be carried out honestly...If it could be carried out in its entirety, I think these different interests would be benefited." The effects of such a law, if

brought on suddenly, would be very serious. If such a law were practicable, and were enacted, brewers should not be compensated.

The enactment of a prohibitory law for the whole Dominion would, in the opinion of the undersigned, prejudicially affect the business, industrial and commercial interests of the country.

The effect of the law on the federal, provincial and municipal revenues from the traffic would be to practically wipe them out.

With the exception of the provinces of Ontario and Quebec, and, to a smaller extent, British Columbia, the revenue derived from the municipalities—though it has not been by any means accurately ascertained, with the exception of what is collected in Ontario—cannot amount to a very large sum.

It is obvious that in Quebec, at least, the wiping out of such a large sum as $600,000 per annum would prove seriously embarrassing, unless it was replaced by an income of an equal amount from some other source. So far as this province is concerned, the generally expressed opinion was that it could be replaced only by an income or direct tax in some form upon the population. There were others, however, whose views are that if this income is taken away by Dominion legislation, the amount should be replaced from the Dominion exchequer.

If the individual citizen is allowed to import for private use, and there is no manufacture of liquors permitted in the country, two results inevitably follow. First, all the money expended in the first purchase of liquors must be sent out of the country. Second, the intermediate dealer in liquors must be extinguished. Such a system might possibly reduce the consumption of intoxicants, but it is quite conceivable that it might not largely reduce drunkenness. The classes who would be most likely to discontinue the use of such stimulants under that system would be those who are indifferent to their use, and who do not require protection against the vice of intemperance, whilst those determined to secure supplies would import them, illicitly or otherwise, and use them, probably, to excess.

The evidence taken by the commission develops the fact that amongst a considerable number of the advocates of the prohibitive system in Canada it is assumed that if the traffic should be prohibited by legislation, the Government of the Dominion must undertake the entire enforcement of the law, both as regards the stopping of improper importation, manufacture, and the prevention of illegal selling.

They probably anticipate that under such an arrangement the local communities would be freed from the expense of prosecuting offenders, but they are doubtless mainly influenced by the hope of securing more efficient enforcement.

It has been urged in explanation of the failure of the Canada Temperance Act, that it is too circumscribed in its operation, and a district adopting it meets with the difficuly of finding, perhaps, its neighbours unwilling to follow the same course, and as a consequence the vendor of intoxicants continues in close contiguity, rendering the enforcement of the law difficult, if not impracticable. They apparently, however, in many cases, overlook the position in which Canada stands to the United States. With full liberty possessed by the citizens of any of the states of that country to deal in liquors, and the right of transportation to the border line of Canada, even through states which have adopted prohibition, secured, it is not to be expected that the importation into Canada could be stopped by any method, other than the employment of an army of preventive officers stationed along the frontier between the two countries, and past experience does not hold out much encouragement that even a resort to this method would prove efficient.

Many of the advocates of the prohibitory system claim, as one of its greatest advantages, that it forces such traffic in liquor as does take place in communities where it is the law, into out-of-the-way places, into the back lanes and alleys of towns and cities. This result many others look upon as a positive disadvantage, and there is this to be said that the vices of a community, whether they result from intemperance or otherwise, which are open and flagrant, will have brought to bear upon them the influence of the sentiment of the right thinking and law-abiding section of the community—a sentiment which it can hardly be disputed is generally more powerful in eradicating offences, than the action of the officers of the law, armed with search warrants and subpœnas, has ever been.

The fact that many churches have made public utterances in favour of prohibitory legislation, brings that aspect of the question under the scope of the work of the Royal Commission.

Prominent among these public utterances is the deliverance of the Methodist Conference, held at Montreal, and in which every Methodist minister examined before the Commission in Canada, concurred. It is given at length in the appendix to volume 11 of this report. In addition to this, many of the Baptist and Presbyterian churches, as well as the Mennonite church and the church of the Disciples of Christ, of which there are some in Canada, have openly expressed their belief in, and advocated the passage of prohibitory legislation.

The abuse of intoxicating liquors, and the lessening of the evils resulting therefrom are evidently objects demanding the attention of Christian workers, and their most strenuous efforts. In view of this it is most gratifying to note throughout the evidence, the general admission that drunkenness is decreasing, that temperance is becoming more widespread, and that a great change in this respect has come over the social habits of the Canadian people during the past quarter of a century, and it is also gratifying to note that this vast improvement is generally ascribed to the influence of the churches and to moral suasion. In places where prohibitory laws exist and similar improvement is claimed the improvement is very generally ascribed to the same influences; the few ardent prohibitionists, who ascribe the change to the attempted enforcement of prohibitory measures, admitting these causes as having been materially auxiliary.

The attitude of the various denominations towards prohibition may be briefly stated.

The Roman Catholic Church, which represents, according to the last census return, 41·21 per cent of the population of the Dominion, is not in favour of prohibition. It would not, perhaps, be putting the point too strongly to say that, as a Church, it is opposed to the prohibitive system. Its methods are to instruct and persuade, and by the influence of the clergy amongst their flocks to promote temperance and total abstinence. The evidence taken by this Commission will show that these are the methods recommended and followed by the highest dignitaries of the Church.

His Grace Archbishop Duhamel, of Ottawa, in giving evidence before the Commission, remarked (Q. 19398*a*): "I think if all the existing laws were enforced better than they are they would diminish drunkenness a good deal. I think fewer licenses should be granted, and those who are licensed should be protected in some way against those who sell without a license." This advice, coming from such an eminently practical dignitary of a Church, representing a larger number of the community than any other, the Commissioners consider, deserves the most careful attention.

The denomination representing the next largest percentage of the population is that of the Methodists, who by the census returns are put down as numbering 17·28 per cent of the population. The attitude of the Methodist Church towards the liquor traffic and on the question of prohibition is clear and well defined. Not only does the Church commend prohibition and advocate the adoption of it through its clergy and Church organizations of all kinds, but it excludes from its communion all who make use of intoxicants as a beverage, and every trader in or manufacturer of these.

The next largest denomination, the Presbyterians, who are credited in the census returns with representing 15·60 per cent of the population, have, at their general assemblies, passed two resolutions endorsing prohibition and commending its adoption throughout the country. Individual liberty of thought and action is not interfered with, and there is a minority of eminent ministers in the Church who do not endorse the views of the majority. One of these, who gave evidence before this Commission, in a statement which he made, probably represented the views of most of such minority: "What I can say is, that while there are undoubtedly young men who have been brought up in homes where liquor has been used who have turned out dissipated, there are others who have turned out thoroughly sober

and respectable, as far I have known, all their manhood through. I can think of many of both sorts. I can think also of young men, the sons of total abstainers, who alas! have become dissipated also. What I mean by moderation is the use with very careful restriction, with a consideration of our climate and everything else. I emphatically encourage all young men and young women to be abstainers while they are minors. I say to them: 'Wait till you are twenty-one or twenty-five or thirty, and then you will, perhaps, find that you will be just as well to continue leaving the whole thing alone.' But what I desire to avoid in talking to young men is making a sin of what is no sin—treating as a wrong what in my judgment is not a wrong; and I think one has more influence with people, old or young, in recognizing frankly their right to independent judgment in the matter, though, at the same time warning them of the perils; and my conviction is that we must depend mainly, not on law, which has its function to fulfil, but on the development of self-control in the individual, and that self-control must be secured: first, by the influence of the home, and then the school and churches and societies and all moral and religious influences that are brought to bear on the individual."

The Church of England, which is returned in the census as representing 13·37 per cent. of the population, does not advocate the adoption of a prohibitory law, although there are prominent members of the church who endorse the prohibitory system.

In connection with very many, if not all of the congregations of the Church of England, branch temperance societies exist. These societies have different forms of pledges leading up to that of total abstinence from the use of intoxicants.

The Provincial Synod, the legislative body for that church in the provinces of Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island, has more than once delivered utterances on the question of temperance.

At the Provincial Synod held in 1880 the following resolution was adopted:—

"That this Synod of the Ecclesiastical Province of Canada recognizing with gratitude the marked success of the Church of England Temperance Society in England,and,while rejoicing at the increase of total abstinence societies in connection with the church in this country, recommends the movement to the cordial support of the clergy and laity throughout the province."

At the session of the same synod held in Montreal in 1886, the following resolution was adopted:—

"That, whereas, of late years, in different quarters and under various pleas, other liquids than wine have been employed in the Sacrament of the Holy Communion, and the lawfulness of wine, as usually understood, denied for the same, thereby affecting the reality of the Sacrament and greatly endangering the peace of the church, this provincial synod feels bound to express its strongest disapprobation of such unauthorized acts, and does hereby admonish the clergy of this ecclesiastical province to make no innovation in so sacred a matter as the elements divinely ordained in this Holy Sacrament, and to adhere faithfully to the customs of tradition of the Catholic Church in the same."

The views of the clergy of this church are well set forth by the eminent men who have appeared before this Commission at different times, from the first to the last of its sittings, some of whom may be mentioned, viz:—Bishop Courtney, Halifax; Bishop Kingdon, Fredericton; Archdeacon Brigstocke, St. John; Dean Norman, Quebec; Bishop Bond, Montreal; Dean Carmichael, Montreal; Canon Dumoulin, Toronto; Bishop Baldwin, London, and Dean Innes, London, besides many others.

The opinions gathered by them may be taken from the following extracts from their evidence:—

Rt. Rev. Frederick Courtney, D. D., Bishop of Halifax, said: "I think that there is a general feeling that the total abstainers are more persistant in their endeavours to enforce total abstinence than the others are, I will not say to keep up temperance, because I do not believe that. Perhaps it would be better if I put it in this way: It is always so much easier to cut a Gordian knot than untie it, and pro-

hibition cuts it, while self-control is the slow untying of a very hard and difficult knot. The majority of people if a cause is before them for a long time, at last get impatient and say, 'let us cut it.' If you could educate the conscience of people up to prohibition, doubtless prohibition would be a grand thing. * * * * The cutting does not succeed. It simply makes it appear as if total abstinence were the only way of dealing with the liquor traffic, and then the knot that seemed to be cut as regards this question being settled, reappears and the question is as far as ever from being settled, because the community outside will not settle it. It is perfectly true * * * * that when the question of prohibition is up in a community a large number of those who are in favour not of drinking, but yet not in favour of the prohibition of the liquor trade, will not take the trouble to vote upon the question and when the law is enacted in many instances it cannot be enforced." (Vol. 1, pp. 195.) The bishop supported the principle of high license as "it ensures the trade being in the hands of reputable people."

Rt. Rev. Hollingworth Toulley Kingdon, Coadjutor Bishop of Fredericton, speaking of prohibition and temperance said: "I never joined any particular temperance organization, because I thought the church was the chief organization that was required. I never advised anybody to take the pledge unless by way of protection to himself, and, then only for a limited period. In my experience I have always found it better, if a man could not restrain himself, that he should be helped by taking the pledge for a limited time, and that it was much more likely to be kept than if he took it for life." (Page 598.)

Rev. F. H. J. Brigstocke, canon of St. John, was conscientiously opposed to prohibition and had experience that the Scott Act was not obeyed. He had taken no active part in temperance work, "except by what I would call the ordinary machinery of our church, by using the influences of the means of grace and Bible teaching upon the heart and conscience, which I believe have had the greatest possible effect (in promoting temperance in the community)." (Page 492.)

Very Rev. Richard Whitmore Norman, dean of Quebec said: "I am not in favour of prohibition, because I do not think it could possibly be observed, and it would not prove effectual. If people wish to drink they will drink, and the only result is that a certain amount of the spirit of deception is fostered. It is a very demoralizing thing for anybody or any community to get into the habit of breaking a law. * * I think the true remedy for drunkenness is the education of the people. I am of opinion that indulgence in spirituous liquors is in proportion to the education of the people, and certainly it does not prevail to the same extent it did some years ago, and I hope that education, moral suasion and good example will bear fruit in a larger degree among the community at large. It is useless to pass laws which do not carry with them the weight of public opinion, they become dead letters, and prove injurious to the community, * * * While I do not consider alcoholic liquors to be wrong or injurious if taken in moderation, I consider that if young people grow up without knowing the taste of liquor, they are spared many temptations of mankind, their pockets are not likely to be depleated, and moreover they do not need in a country like this, where the air is so bracing and exhilarating, stimulants to the extent perhaps as people who live in a damp climate may need them. I recommend all young people whom I train in any way, religiously or morally, not to know liquor, never to taste it and never have anything to do with it; but I do not recommend them to take the pledge for I believe that voluntary abstinence is a higher act of self-control than taking a formal pledge."

Speaking of the change in regard to social habits of drinking which has manifested itself of recent years, he says: "While, no doubt, the influences of religion and morals have had a good deal to do with this change, we ought to pay a debt of gratitude to those who have so earnestly performed what was a duty in their minds, the work of pressing the desirability of adopting total abstinence on every one. No doubt their efforts have had an effect on the public," He commends the Church of England Temperance Society: "Because it spreads widely the interest on such an important question and prevents the subject being dealt with in too narrow a spirit." (pages 123 and 124. Vol. 2).

Very Rev. G. M. Innes, Dean of Huron, in his evidence given at London, said: That he was decidedly opposed to prohibitory legislation, his chief objection being that it is opposed to the principles on which God governs the world; and my next reason is that as far as I have had an opportunity of observing the operation of a prohibitory law it has not been beneficial. * * I should be decidedly in favour of a prohibitory law if I thought it would remedy the evil, but I do not believe it would * * I should be very much in favour of doing away with saloons. I believe they are the great curse of the city. But I should favour most distinctly a high license Act in preference to prohibition. I believe it would be far more effectual." (Vol. 4, pp. 383 and 384.)

Rev. Canon J. Philip Dumoulin, of Toronto, disclaimed all belief in the principle of prohibition, and said:—"I do not think it would be a wise or workable law. I do not think it is founded on those principles of eternal wisdom and of long experience that have dictated the laws of past nations. I do not find the principal underlying such laws as enter into the Divine law, nor into the great human codes that have governed the oldest and the largest nations in the world. The Jews had certainly not a prohibitory law, drunkenness was found amongst them and it was rebuked by their prophets, but the article was not prohibited. The Romans and the Greeks certainly had no prohibition. England, the great country that it is, has not a prohibitory law; and in very few States of the Union—in only one or two, I think—is there prohibition now. For all these reasons I come to the conclusion that it would not be a wise law. I think the great principle of law is not to put it out of the power of a man to do what is wrong, but to strengthen him to resist temptation to do what is wrong. The only circumstance in which it is put out of the power of people to do wrong, so far as that can be done, is when they are confined in prisons or in lunatic asylums. But when the subject is free, I do not think it is put out of his power either by Divine or human law, to commit strong breaches of those laws. I think he must be approached from another side. * * That is his moral side. All the persuasions and influences that can possibly be brought to bear upon him in that direction should be brought to bear. I do not think that prohibitory measures were designed to restrain him from committing sin. Adultery is not made impossible, murder is not made impossible, nor the commission of any other sin against Divine or human law. The only way to avoid those things is to strengthen the individual against the temptation to commit them. * * I believe one of the best remedies for the evils complained of, would be high license, and to reduce the number of licenses." (Vol. 4, pp. 945-946).

Rt. Rev. W. B. Bond, Bishop of Montreal, asked:—"What is the position of your church, as a church, on this question by deliverance in synods or otherwise?" said:—"It is decidedly in favour of total abstinence."

"Are there any resolutions or reports adopted by your body in session?" "Yes."

"I presume your church expresses itself with increased definiteness about this evil from year to year?" "Yes, I think so. Take for example the clergy. Every student is a total abstainer. I do not think there is one who is not. It is possible there may be, but I do not think there is." (030867–030871.)

In answer to further questions His Lordship stated that he was decidedly in favour of a law prohibiting the manufacture, importation and sale, except for medicinal, mechanical and sacramental purposes.

Very Rev. James Carmichael, Dean of Montreal, expressed himself as strongly "in favour of a law to prohibit the manufacture, importation and sale of liquor for beverage purposes, without compensation to the manufacturer,.....and with exceptions for medicinal, mechanical and sacramental purposes." (030110–030911.) He expressed no view of the church's attitude in the matter.

The only other denomination classified in the census return is that of the Baptists, who are reported as representing 6.26 per cent of the population. The attitude of this church towards prohibition of the liquor traffic is practically that of the Methodist church.

In Appendix No. 172 will be found resolutions of the Free Baptist Conference of Nova Scotia and New Brunswick, forwarded to the Commission with a request that they be embodied in their report.

There are other denominations not enumerated, and part of the population not classified, which represent 6.18 per cent of the total, about whom it is not practicable to record the same information as is given in respect of the preceding denominations.

The evidence shows a disposition on the part of some members of the churches which have espoused prohibition, to cavil at those who differ from them on the question, or because they do not insist on the passage of prohibitory enactments. Not only so, but some witnesses, communicants of churches which have pronounced in favour of prohibition, actually express their reluctance to allow these other churches to import, or to have manufactured, the wine that they believe to be necessary for use in the efficacious celebration of the holy communion.

Some of these witnesses say that they do not see that such wine is necessary for sacramental purposes, and therefore they would prohibit its importation or manufacture for such purpose.

The evidence adduced before the commission shows that all the churches have contributed to produce the improvement which has taken place in the drinking habits of the population of Canada, and it is, probably, safe to conclude that the influence of the churches, who do not make total abstinence a necessary pre-requisite of membership, has been as effectual as that of those which adopt the opposite course.

All the churches are steadily working to promote temperance, and if, in a mixed community, such as exists in Canada, all do not pursue the same methods, that is only what might be anticipated, and the undersigned consider it should not be looked upon as disadvantage. For the state to force upon them by legislation a system, which many do not recognize as desirable or efficient, could only result in weakening their energies, and diminishing their efforts, towards an end which all appear equally anxious to reach, viz.—the building up of a temperate and sober people, such, from conviction and experience, which can alone produce results permanently satisfactory.

The legislation of Canada may be briefly stated to have been that of imposing, from time to time, higher charges upon liquors made and imported, higher license fees, more stringent regulations in the matter of hours of selling, and as to whom sales may be made, with the right, under some restrictions—to local communities—not so far extensively exercised, to refuse the granting of licenses within their municipalities or parishes. Of the more extend local option conferred under the "Scott Act," it can only be remarked that it still remains the law of the country; that it is the nearest approach to a general prohibitive system which has been attempted, and that the act has been repealed in 52 per cent of the counties and cities which orginally adopted it, and no new district has put the act in force since 1886.

A prohibitory law was enacted in New Brunswick in 1855, put in force in January 1856, and repealed the same year.

The prohibitory system with permit provisions which was in force for several years in the North-west Territories was abandoned for a license system in 1892.

It may be asked if progress in the states of the United States which have adopted prohibitory laws, has been greater than in the various Canadian provinces where the law has been what has just been described.

The Commissioners refer to the information already given in this report, and in the evidence submitted, for an answer to the question. They believe that it must be answered in the negative by every one disposed to weigh the facts dispassionately. This comparison deals with prohibition as a system.

The Commissioners cannot agree with the view so earnestly put forward by some church organizations, and many witnesses, that the recognition of the traffic by licensing it, is an immoral act and a national sin. On the other hand, the undersigned are of opinion that the combined system of license and regulation which for centuries has been the rule of civilized nations, with such amendments as experience has proved, and shall from time to time prove, to be needful in order to make it more efficient, should not be departed from.

The churches which have adopted the view that the use of liquor as a beverage is morally wrong, have taken steps to give effect to their conclusions as regards their adherents, which is wholly within their legitimate sphere of action. It is almost impossible, after reading the evidence taken by the Commission, not to conclude that much of the agitation, on this question of prohibition of the liquor traffic, is to be attributed to a desire to see these views adopted generally. The undersigned consider that the aim of any system of regulating, or prohibiting, the liquor traffic is to lessen or extinguish the evils which arise from intemperance, or from the improper use of intoxicating beverages; and after the most careful and anxious consideration of the subject, they have come to the conclusion, that this would not be accomplished by the enactment of a law prohibiting the manufacture, importation and sale of intoxicating liquors throughout the Dominion, and that if such a law were passed, it could not be efficiently enforced.

A prohibitory law partakes too much of the character of coercive legislation on a matter in regard to which a very large portion of the people consider they are qualified and entitled to judge for themselves, to be accepted as a measure they are called upon to unhesitatingly obey, and hence the impracticability of efficient enforcement.

With the powers possessed by the various provinces to legislate in respect to the traffic, the certainty that in some of the provinces prohibition would meet with determined opposition; with an open frontier such as the Dominion possesses, largely bordering on states in which sale would be carried on; the undersigned consider that it is illusory to anticipate that a general prohibitory law could be enforced with any reasonable degree of efficiency.

The question of making compensation to those engaged in the manufacture, and those engaged in wholesale and retail vending of liquors, one or both classes, should the traffic be put an end to by legislation, has been frequently referred to, and much evidence has been taken on the subject. The undersigned Commissioners, regarding the evidence given, and what has been proposed in other countries, as, for instance, England, France, Germany, and some of the British colonies, consider that the payment of compensation could not, justly, be avoided in the case of those who, by such legislation, would have their business, which they have been carrying on under the sanction of the state, abruptly put an end to, and their capital in many cases almost swept away, and in all considerably diminished.

## GENERAL REMARKS.

A complete register of all manufacturers, dealers in, or vendors of liquor of every description, throughout the Dominion, classified in cities, towns and districts, is much to be desired. At present it is almost impossible to obtain even a correct statement of the number of persons licensed.

This Commission, after an expenditure of much time and labor, have not been successful in getting an accurate return of the number of licenses issued in some of the provinces. In the United States, no one is permitted to manufacture, or deal in intoxicants, without first obtaining a special permit, or tax paper, from the Inland Revenue Department of the Federal Government, under pain of heavy penalties ranging from $1,000 up to $5,000.

The fees payable for such authorization to make or sell are stated at page 656 of this report.

This special tax or license does not authorize the holder to manufacture or sell, contrary to any state or municipal law, but until he has paid the Federal tax and provided himself with a proper certificate, he cannot trade without rendering himself liable to the penalties imposed by the Federal law.

Everywhere in the United States there is greater care and anxiety shown to comply with the Federal, than with the state or municipal laws and regulations. The special tax papers are issued by the district collectors of revenue, who are charged with the collection of the fees and the enforcement of the law.

The undersigned are satisfied that beneficial results would follow the adoption of a similar system in the Dominion. A complete record could be kept of those licensed in every part of the country. The relation, if any, of the number of licensed places to the number and character of crimes and offences committed in each district could be readily traced. The officers of the Dominion Government, charged with the collection of the special tax, would be able to render efficient aid to the provincial and municipal officers in preventing the illicit sale of intoxicants.

The treatment of habitual drunkards is a subject, the Commissioners consider, requiring the most anxious and careful attention. No merely financial considerations should, in their opinion, prevent the best remedial measures being adopted to reclaim the victims of intemperance. That the methods at present in vogue are not only inefficient, but as a general rule, demoralizing, is the almost unanimous opinion of those who have to administer the law, and of all who have to do with the police courts and jails of the country, in so far as this Commission has been able to elicit their views.

The same offenders are again and again, in the course of a year, brought before the courts to be subjected to the same penalties, and are a body—luckily in Canada not so large as in many other countries—who march in procession from the streets to the police stations, from the police stations to the courts, from the courts to the jails, and from the latter back to the streets, repeating their pilgrimages many times annually. The associations and experiences of the common jails of the conntry cannot be considered to have either a deterrent or elevating influence upon such persons. The young return from their enforced retirement, on each occasion with blunted moral feelings and a lessened regard for law and order in general, and the hardened offender with those of complete indifference.

It is claimed by many that much can be done by scientific treatment to reform the intemperate, and it would seem to be the wise course to have these claims investigated, but, under any circumstances, the undersigned consider the present plan of committing drunkards to the common jails, for short periods, after a second or third offence has been committed should be abandoned, that provision should be made for the establishment of places to which they could be committed for such time asmight be deemed desirable, on prohation, to be released at the end of such terms only on the certificate of the judge or magistrate committing them, that, whilst under this restraint, they should be subjected to such treatment as might be deemed fitting and calculated to lead to their reformation, being in the meantime made to work, so as to earn as much towards their own support and the support of those dependent upon them as practicable.

The investigations of the Commissioners have satisfied them that convictions for second or subsequent offences, as such, against the license laws, by the holders of licenses, amount in many places to only a small proportion of the cases which occur, and hence what the law contemplates, viz., heavier penalties for repeated offences, are not inflicted as they should be. This in part arises from the difficulty of proving previous convictions. To remedy this the license certificates should be of a moderately permanent character, and such as could be produced in court in any case of complaint, the annual renewals being represented by a separate certificate or receipt that in every case of complaint the defendant should be called upon to produce his license, and every conviction should be endorsed thereon. No transfer of a license should be permitted, whilst any case is pending against the holder.

The licensing of saloons, the only business of which is the sale by retail of intoxicants, the Commissioners consider should be put an end to. There is no justification for their existence founded upon necessity, and it is certain that most of the evils which arise out of the immoderate use of intoxicants, have their origin in, or encouraged by, the existence of these saloons.

The Commissioners are of opinion that no one should be granted a license for any saloon or restaurant, in which meals are not regularly supplied to all who may require them, and that the law should not be evaded by such practices as are now resorted to : that the authority to sell should be restricted in these places to selling only to those who partake of and pay for meals. They are also of opinion that no one should be given a license for an inn, or tavern, which has not the necessary accommodation in the shape of rooms and beds, and facilities for supplying meals to a reasonable number of persons, at one and the same time.

The licensing of the compounding, or mixing, of various kinds of liquors so as to produce new brands, the undersigned believe, could with advantage be discontinued. It is hardly possible that there can be any advantage in using the product of these mixtures, rather than the original liquors from which they are made, and the system involves much risk of illicit production.

There is undoubtedly much adulteration of liquor carried on, and the Commissioners would recommend that inspection be made more general and more frequent, especially amongst the retail establishments.

In many places the residents who can intervene to prevent a new license being granted, have practically no opportunity of preventing the granting of renewals except by means which it is hardly possible for them to adopt. Where the right to oppose the granting of licenses exists, the undersigned consider, the residents should have the right—under proper conditions as to notice to the licensee—and be afforded reasonable facilities to oppose for cause, the granting of renewals.

The number of shop licenses granted is much larger in many places than is either desirable or necessary, and they might be reduced without inconvenience to any demand arising out of the reasonable requirements of the public. The Commissioners are of opinion that they should be very materially reduced, and that the sale of intoxicants should in every case be wholly separated from the sale of groceries or other domestic supplies.

The undersigned believe that it would be of great advantage to have such amendments of the license laws enacted as would provide, that in case of a second conviction for a breach of any of the provisions thereof, if the licensee be a tenant, the lease shall become void if the lessor so desires, and that in case of a third or subsequent conviction, the license itself shall be forfeited, and the same premises shall not again be licensed for a term of years.

In all counties and cities where the Scott Act is now in force, or in which it may hereafter be put in force, the undersigned consider it would be an advantage to have a vote taken once in every three years on the simple question :—"Shall the Scott Act be continued in force for the ensuing three years?"—the vote being simply "yes" or "no." The law might be so amended as to admit of this vote being taken in connection with the municipal elections. In like manner, in every parish or municipality where a local option law was in force, a vote should be taken every three years on the simple question :—"Shall licenses issue in.....?" and the answer to this question should settle the matter for the ensuing three years, when a vote should again be taken. Such a system would have the effect of putting an end to uncertainty as to the feelings of the population on the subject, and would avoid the expense of special elections, which consideration undoubtedly prevents, in many cases, an expression of public opinion being obtained.

The undersigned believe that the imposition of high license fees, a more strict supervision of the places licensed, a thorough inspection of liquors, and an efficient enforcement of the law, would materially improve the character of the establishments where liquor is sold, and put an end to many of the evils which now result from the traffic.

A law which punishes the citizen who vends liquors contrary to its provisions, yet permits the citizen, who purchases what is sold illegally, to escape punishment, cannot be considered as other than an unequal and one-sided law. The undersigned are of opinion that both parties to what is an illegal transaction should be made equally guilty in the eye of the law.

The spending of money unnecessarily on, and the over-indulgence in liquor amongst the working classes, the undersigned are convinced frequently result, not so much from a love of liquor, as from the love of sociable society; and the comfort which is found in the places where the sale takes place, but in many instances is not to be met with in their own homes. Discomfort, badly cooked food and ill-ventilated dwellings have much to answer for in connection with intemperance. Attention to these matters, and more especially to the training of the female portion of the population in a knowledge of domestic economy and household duties, the undersigned are satisfied would have an elevating and most beneficial effect.

In the past, in not a few counties in which the Scott Act was adopted, there has been a failure to apply the amounts collected for fines to the enforcement of the law. Inspectors have not been appointed, nor returns made to the provincial governments as prescribed by the law, and it may also be added that in many instances they have not been asked for.

The compilation of returns of the inmates committed to and remaining in jails, asylums, almshouses, and reformatories, with the cost of these institutions, as well as complete returns of the number and class of licenses issued in each city and county, and of the amounts collected therefor, would afford the means of estimating more accurately the results of the various systems in force throughout the country for regulating the liquor traffic, and would unquestionably lead to the more efficient enforcement of the law.

In one of the provinces the information referred to is obtained and embodied in returns laid before the legislature annually; in some it is obtained in part but not turned to any practical account; whilst in others the matter is utterly neglected.

The Commissioners believe it would lead to a much better understanding, and appreciation, of the extent and effects of the liquor traffic, and that the results which would flow from the dissemination of such information would amply repay the country for the cost of collecting, classifying and publishing such statistics annually. The matter of expense has undoubtedly in some cases deterred the provincial and municipal governments from doing this in the past, and if the work is to be done in the future efficiently, and so as to embrace the whole country, it will have to be by, and at the cost of, the Dominion Government.

Before closing this report the Commissioners desire to record their high appreciation of, and their thanks for, the uniform kindness with which they were received by the citizens of the various places visited by them in the United States. Valuable information was promptly, and in many instances at a considerable cost in time and effort, supplied. Through the Governors and officers of various states they have received copies of laws, state reports, and papers of much value.

To the Honorable S. G. Brock, Chief of the Bureau of Statistics, the Honorable Robert P. Porter, Superintendent, the Rev. Frederick H. Wines, Special Agent, Mr. J. H. Wardle, and Mr. A. F. Childs, acting secretaries, of the census of 1890, the Honorable Jno. W. Mason, Commissioner of Internal Revenue, Hon. Caroll D. Wright, Commissioner of Labor, Washington, and General N. P. Curtis, M. C., of Ogdensburg, N. Y., the Commissioners are indebted for valuable documents supplied in the most liberal manner, and for information promptly and courteously communicated.

From the deputy ministers and heads of the several departments of the Government in Canada, with which they have been brought into communication, the commissioners have received every assistance.

Their thanks are due to Mr. Courtney, Deputy Minister of Finance, and his staff; to Mr. John Lowe, Deputy Minister of Agriculture; Mr. E. Miall, Commissioner of Inland Revenue; Mr. W. G. Parmelee, Deputy Minister of Trade and Commerce; Mr. Frederick White, Comptroller of the North-west Mounted Police; the Librarian of Parliament, Mr. Griffin; Mr. Creighton, the Law Clerk of the Senate, and, in an especial degree, to Mr. George Johnson, the Dominion Statistician, from whom they have received most valuable assistance in pursuing their investigations.

The Revd. Dr. McLeod, dissenting from the conclusions of the other members of the Commission presents a separate report.

The whole respectfully submitted.

J. HICKSON,
*Chairman.*
HERBERT S. McDONALD,
E. F. CLARKE,
G. A. GIGAULT.

PATRICK MONAGHAN,
*Secretary.*
Montreal, March 29, 1895.

I dissent from the suggestion that liquor dealers should be required to obtain certificates from the Federal Government.

I also dissent from the paragraph referring to the work of the Salvation Army, as I am not satisfied that the temperance movement has been benefited by the work of that organization.

G. A. GIGAULT.

# REPORT OF THE REV. JOSEPH McLEOD.

*To His Excellency the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen, Governor General of Canada, etc., etc., etc.*

May it please Your Excellency,—The undersigned, one of the five Commissioners appointed by commission under the great seal of Canada, bearing date the fourteenth day of March, A.D. 1892, to enquire into certain matters relating to the liquor traffic and the question of prohibition, having reached conclusions different from those of the other Commissioners, respectfully presents for your Excellency's consideration the following report.

The Commission was appointed in accordance with a resolution of the Parliament of Canada, declaring it desirable "To obtain, for the information and consideration of Parliament, by means of a Royal Commission, the fullest and most reliable data possible respecting—

"1. The effect of the liquor traffic upon all interests affected by it in Canada.

"2. The measures which have been adopted in this and other countries with a view to lessen, regulate or prohibit the traffic.

"3. The result of these measures in each case.

"4. The effect that the enactment of the prohibitory law would have in respect of social conditions, agricultural, business, industrial and commercial interests, of the revenue requirements of municipalities, Provinces and the Dominion; and also as to its capacity of efficient enforcement.

"5. All other information bearing on the question of prohibition."

Your Commissioner finds it necessary to traverse in this report the whole range of the instructions given the Commission. In doing so he follows the plan of the Commission, dealing with the several sections in the order named therein. And he begs that this report and that of the majority be read together, this being regarded as partly supplemental to and partly corrective of the other.

## I.

### The Effect of the Liquor Traffic upon all Interests Affected by it in Canada.

There is no room for differences of opinion in regard to the fact that intemperance and its inevitable train of harmful consequences constitute one of the most formidable evils that afflict society, diminish the wealth of the country and impede the progress of civilization. The fact is universally admitted. Regarding it the Commission did not deem it necessary to prosecute extensive enquiry.

Your Commissioner thinks it proper, however, to offer for consideration a few of the many evidences of the nature and extent of this national menace and peril. In Canada, as in other lands, intemperance is the prolific cause of pauperism, disease, insanity, idiocy, excessive mortality and crime, with all the suffering and sorrow which attends these conditions. A brief reference to each of these evils is presented.

#### PAUPERISM.

At an early stage of the Commission's work, questions relating to several phases of the subject under investigation were sent to clergymen, physicians, insurance companies, judges and magistrates. None of these questions related especially to pauperism. It was suggested that carefully prepared questions relating to this matter should be sent to persons specially qualified to give information concerning it, but a majority of the Commission decided against this proposal. Many

of the witnesses examined, however, gave information on this point. In addition to their testimony, some other facts tending to show the relation between intemperance and pauperism are herewith submitted.

It is not necessary to argue that in a community in which the cost of living runs very close to the average earnings of the people, any unnecessary outlay will speedily make the expenditure in excess of the income. This is one of the first steps towards poverty and want. Intemperance lessens earnings and increases outlay, thus constituting a two-fold agency for the creation of poverty.

A carefully prepared report issued by the Bureau of Industries of the Province of Ontario, the latest issued, gives the results collected by thirty-three special agents in thirty-nine towns and cities relating to the earning and spending of workers, showing for all classes, including those with and without dependants, an average income of ($410.36) four hundred and ten dollars and thirty-six cents per year, and an average cost of living of ($364.61) three hundred and sixty-four dollars and sixty-one cents per year. This makes for such workers a possible saving of ($45.75) forty-five dollars and seventy-five cents each per annum. A slight depression of the earning power, or elevation of the cost of living, means hardship or debt.

*British Evidence.*—The Convocation of the ecclesiastical Province of York appointed a special committee to report upon the effect of intemperance. The committee consisted of the Very Rev. The Dean of Carlisle, the Venerable Archdeacon Cooper, the Venerable Archdeacon Hamilton, the Rev. Canon Woodford, the Rev. Canon Crosthwaite, the Rev. Canon Henry Hildred Birch, the Rev. Canon Hey, the Rev. Chancellor Thurlow, the Rev. Joseph Birchall, the Rev. Charles Hesketh, and the Rev. James Bardsley, Convenor. These gentlemen made an extensive and exhaustive inquiry, sending out questions relating to the subject dealt with to clergymen, magistrates, constables, governors and chaplains of prisons and workhouses, superintendents of asylums, employers of labour and other persons. They published, in 1874, the result of their labours, giving extracts from 2,711 replies received. In summing up their report they said:—"Among the prolific causes of crime, pauperism and lunacy, your committee are led to give the drinking customs of the day the most prominent place"; and further, "The burden of poor rates is increased to a most oppressive extent by the same agency (drink). Your committee have been much struck by the returns on this subject, made by guardians of the poor, of whom one states his conviction that the poor rates they are now paying of ten pence in the pound would but for intemperance be at once reduced to four pence." Ministers and chaplains of workhouses, in the evidence quoted by the committee, set out the proportion of paupers made so by drink, as being from two-thirds to nine-tenths.

A report adopted by the House of Convocation, based on these investigations, contained the following statement:

"It can be shown that an enormous proportion of the pauperism which is felt to be such a burden and discouragement by the industrious and sober members of the community, and has such a degrading and demoralising effect upon most recipients of parochial relief, is the direct and common product of intemperance. It appears indeed that at least 75 per cent of the occupants of our work-houses and a large proportion of those receiving outdoor pay have become pensioners on the public directly or indirectly through drunkenness, and the improvidence and absence of self respect which this pestilent vice is known to engender and perpetuate."

General William Booth, of the Salvation Army, in his well known work, "In Darkest England and the Way Out," presents an estimate that the number of homeless and starving people in the United Kingdom is 1,905,500. He says that 870,000 of these were in receipt of outdoor relief. As to the cause, General Booth has this to say: "The drink difficulty lies at the root of everything. Nine-tenths of our poverty, squalor, vice and crime springs from this poisonous tap root."

*United States Evidence.*—The United States Census for 1890 reports the number of paupers in almshouses on June 30th of that year as being 73,045, besides

24,220 outdoor paupers. It will, of course, be understood that the number of paupers in almshouses on a particular day of the year is not by any means a statement of the number of paupers in the country, the actual pauperism being greatly more than is indicated by the census figures. The cause of poverty there is the same as in Great Britain. A report of the Secretary of State of New York says:—"The whole number of paupers relieved was 261,252. During the preceding year 257,534. In an examination made into the history of the paupers of the State by a competent committee, it was found that seven eighths of them were reduced to this low and degraded condition directly or indirectly through intemperance."

A report of the Commissioners of Charities and Correction for the City of New York says: "The cause of pauperism and consequent disease and crime, have received careful and full investigation by those long enjoying favourable advantages of observation. Many reasons for this painful and rapidly increasing pauperism have been assigned, but that which takes precedence above and beyond all others is the curse of intemperance. The statistics of almshouses, workhouses, penitentiaries, asylums and hospitals all attest this dark and gloomy fact."

The late Rev. Howard Crosby, D. D., a gentleman who was not at all inclined to favour prohibition, says: "I have been watching for thirty-five years, and in all my investigations among the poor I never found a family borne down by poverty that did not owe its fall to rum."

Judge Robert C. Pitman sums up the result of inquiries in the State of Massachusetts in the following terms: "The pauper returns, made annually for a long time to the Secretary of State, show an average of about 80 per cent as due to this caus in the County of Suffolk (mainly the City of Boston). Thus, in 1863, the whole number of relieved is stated at 12,248. Of these the number made dependent by their own intemperance is given at 6,048, and the number so made by the intemperance of parents and guardians at 3,837, making an aggregate of 9,885. The third report of the Board of State Charities, page 202 (January, 1867), declares intemperance to be the chief occasion of pauperism; and the fifth report says: "Overseers of the poor variously estimate the proportion of crime and pauperism attributable to the vice of intemperance from one-third in some localities up to nine-tenths in others. This seems large, but is, doubtless, correct in regard to some localities, and particularly among the class of persons receiving temporary relief, the greater proportion of whom are of foreign birth or descent. In the sixth annual report of the Board of Health (January, 1875), page 45, under the head 'Intemperance as the Cause of Pauperism,' the Chairman, Dr. Bowditch, gives the result of answers received from 282 of the towns and cities to the two following questions: '1. What proportion of the inmates of your almshouses are there in consequence of the deleterious use of intoxicating liquors? 2. What proportion of the children in the house are there in consequence of the drunkenness of parents?' While it appears that in the country towns the proportion is quite variable and less than the general current of statistics would lead one to expect, which is fairly attributable in part, at least, to the extent to which both law and public opinion has restricted the use and traffic in liquors, yet we have from the City of Boston, the headquarters of the traffic, this emphatic testimony from the superintendent of the Deer Island almshouse and hospital: 'I would answer the above by saying, to the best of my knowledge and belief, 90 per cent to both questions. Our register shows that full one-third of the inmates received for the last two years are here through the direct cause of drunkenness. Very few inmates (there are exceptions) in this house but what rum brought them there. Setting aside the sentenced boys (sent here for truancy, petty theft, &c.) nine-tenths of the remainder are here through the influence of the use of intoxicating liquors by the parents. The great and almost the only cause for so much poverty and distress in the city can be traced to the use of intoxicating drink either by the husband or wife, or both.' A startling testimony as to the effect of this cause in producing the allied evil and even nuisance of vagrancy is given in the answer from the City of Springfield: 'In addition to circular I would say that we have lodged and fed 8,052 persons that we call "tramps," and

I can seldom find a man among them who was not reduced to that condition by intemperance. It is safe to say nine-tenths are drunkards, though we have not the exact records.'"

Whatever evidence relating to pauperism was heard in the course of the Commission's investigations in the United States was in agreement with the foregoing statements—that nearly all of it is traceable, directly or indirectly, to intemperance,

*Canada Evidence.*—The consumption of liquors in Canada is much less than in the countries referred to; and the proportion of pauperism is, also, less than in older countries. But even here there is much more pauperism than is pleasant to contemplate; and all the facts ascertained go to show that in about the same degree as in other lands it is traceable to intemperance. Your Commissioner desired at the outset of this investigation to have a set of questions addressed to the keepers of alms houses and all other charitable institutionsin Canada, with a view of getting the fullest information possible on the point; but the proposal did not commend itself to the majority of the Commission. It has been possible, however, in taking evidence, to get sufficient information to justify the conclusion that a large proportion of pauperism in Canada is due to drink.

Among the witnesses examined on this point was Rev. Dr. Saunders, who for twenty-five years has been a regular visitor to the Poor's Asylum at Halifax. He says: "From all the information I have obtained during these twenty-five years, and I have sought in various ways to get information, I think that, directly or indirectly, far the larger part, the great majority of cases, have gone there from drink."

Rev. W. O. Raymond is Chaplain of the St. John, N.B., Almshouse, and he said: "The majority of the men there have been intemperate, and quite a proportion of the women also."

Mr. E. J. Wetmore, Secretary of the Alms House Commissioners, at St. John, concurred in the statement of Mr. Raymond, and added: "From my knowledge of the matter I should say there is a large percentage due to the use of intoxicating drink, the use of drink being the real cause of their coming to the institution."

The manager for thirteen years of the Waterloo Co., Ont., Poor House gave evidence to the effect that the average number of inmates in the home during his time was 85 per year, and the principal cause that sent them there was intemperance. Further than that the poverty of at least one-fourth of the remainder was due to the drunkenness of relatives.

Sir William Dawson, C.M.G., F.R.S., LL.D., Principal of McGill College, Montreal, said: "I have had occasion to institute inquiries in regard to the pauperism of Montreal. I can confidently say that nearly all the want and destitution prevailing in this city is, directly or indirectly, attributable to the liquor traffic, and if the liquor traffic could be abolished entirely there would be far less burdens cast on the benevolent societies and benevolent individuals in this city. The present process is simply one of taking money out of the pockets of the people of the benevolent community and passing it, through the hands of these victims, into the pockets of the liquor sellers."

The places referred to are not singular in respect of pauperism. Wherever evidence was heard on this branch of the subject it was substantially the same as to the cause of most of the pauperism—that fully three-fourths of it is due to the drink habit, fostered by the drink traffic.

The clergymen of the several denominations who have exceptional opportunities of becoming acquainted with family and personal histories agree that nothing produces so much poverty as drink, and the majority of them testify that drink causes more pauperism than all other agencies combined.

### DISEASE, INSANITY AND MORTALITY.

As far as can be ascertained there is a diversity of opinion among medical experts as to whether or not a moderate consumption of alcoholic liquors is in every case physically injurious. A majority of medical men unhesitatingly endorse total

abstinence as safe. Many claim that it is essential to the fullest degree of physical health.

PHYSICAL DISEASE.

All the evidence obtainable goes to show that heavy drinking is universally condemned, and, also, that there is a growing tendency among medical men to discountenance even what is known as moderate drinking.

As early as 1839 the following declaration was made public in Great Britain, having appended to it the signatures of 78 men who occupied high positions as scientists: "An opinion handed down from rude and ignorant times, and imbibed by Englishmen from their youth, has become very general, that the habitual use of some portion of alcoholic drink, as of wine, beer or spirits, is beneficial to health, and even necessary to those who are subjected to habitual labor. Anatomy, physiology and the experience of all ages and countries, when properly examined, must satisfy every mind well informed in medical science that the above opinion is altogether erroneous. Man, in ordinary health, like other animals, requires not any such stimulants, and cannot be benefited by the habitual employment of any quantity of them, large or small; nor will their use during his life-time increase the aggregate amount of his labor. In whatever quantity they are employed they will rather tend to diminish it. When he is in a state of temporary debility, from illness or other causes, a temporary use of them, as of other stimulant medicines, may be desirable; but as soon as he is raised to his natural standard of health a continuance of their use can do no good to him, even in the most moderate quantities; while larger quantities (yet such as by many persons are thought moderate) do, sooner or later, prove injurious to the human constitution, without any exceptions."

In 1847 the following declaration was signed by 2000 physicians and surgeons of Great Britain: "We, the undersigned, are of the opinion, 1. That a very large proportion of human misery, including poverty, disease and crime, is induced by the use of alcoholic or fermented liquors as beverages. 2. That the most perfect health is compatible with total abstinence from all such intoxicating beverages, whether in the form of ardent spirits or as wine, beer, ale, porter, cider, &c., &c. 3. That persons accustomed to such drinks may with perfect safety discontinue them entirely, either at once or gradually, after a short time. 4. That total and universal abstinence from alcoholic liquors and beverages of all sorts would greatly contribute to the health, the prosperity, the morality, and the happiness of the human race."

It is not unusual for associations of medical men in these days to make similar and even stronger declarations.

At the International Medical Congress in Washington, D.C., in 1887, the following statement was subscribed to by the president of the congress and seventy-seven other members, including distinguished physicians from foreign countries: "In view of the alarming prevalence and ill effect of intemperance, with which none is so familiar as members of the medical profession, and which have called forth from eminent physicians the world over the voice of warning concerning the use of alcoholic beverages, we, the undersigned members of the International Medical Congress, unite in the declaration that we believe alcohol should be classed with other powerful drugs; that when prescribed medicinally, it should be with a conscientious caution and a sense of grave responsibility. We are of opinion that the use of alcoholic liquor as a beverage is productive of a large amount of physical disease, that it entails diseased appetites upon offspring, and that it is the cause of a large percentage of the crime and pauperism of our cities and country.

"We would welcome any judicious and effective measures which would tend to confine the traffic to the legitimate purposes of medical and other sciences, art and mechanism."

*Canadian Evidence.*—At Toronto the Secretary of the Dominion Alliance wished to offer as evidence the result of an enquiry made some time before among the medical men of the city named, in reference to the question now under consideration. The Commission declined to receive the statement. But the importance of it,

together with the fact that the witness, under oath, submitted copies of the questions and of the answers received, make these results worthy of consideration. The questions submitted in the inquiry were the following: 1. Is total abstinence, in your opinion, compatible with the fullest degree of physical health? 2. Do you consider that, generally speaking, the moderate drinking of intoxicating liquors is conducive to health, or that it is harmless or that it is injurious? 3. Do you consider, generall speaking, a total abstainer has any advantage over a moderate drinker, in better chances of recovery in sickness or accident? 4. What do you think would be the effect on public health of universal abstinence from intoxicating liquor as a beverage?

The statement which the witness wished to present along with these questions was the following: "There had been some public discussion as to the merits or demerits of strong drink from a dietetic standpoint. There had also been expressed diverse opinions as to the attitude of the medical profession generally towards moderate drinking. The questions quoted were designed to ascertain the views of the medical men of Toronto, who might fairly be considered as representative of their profession. As will be seen these questions cover the ground of teetotalism versus moderation as desirable in every day life, viewed from the standpoint of sanitary science. The questions were sent to every person classed as a physician in the Toronto Directory for 1887, the latest issue at the time of the inquiry. The number was two hundred and seven. Some of these might have left the city subsequent to the compiling of the directory. Ninety-two replies were received, many of the writers being representative men in the front rank of their profession in Toronto, nearly all of them of extensive practice and high reputation, many of them professors and examiners in our medical colleges. They voiced fairly the sentiment of the medical profession.

"The first question is answered directly in the affirmative in 83 cases, and of the remaining nine answers there are but three in which is expressed a definite opinion that total abstinence is not safe for most people. Several doctors are non-committal, but there are really only three who condemn the practice of the total abstainer, and even they do so in a very hesitating fashion.

"The replies to the second query are, however, not so harmonious. Of the 92 there are 58 who denounce all moderate drinking as bad, and among the remaining 34 there is a startling diversity of opinion, only about 10 really endorsing habitual drinking on what is usually considered moderate lines. One gentleman would object to a one-half ounce dose of alcohol, another would allow of one and one-half ounces in 24 hours. One believes in 'an occasional' drink, another would forbid it altogether except at meals. One would give 'spirits,' another rejects anything but pure wine, while a third is in favour of ale. A careful perusal of all these opinions will be instructive, but will not throw any light on the vexed question, as to what constitutes moderation, nor will it aid the man who rejects the unanimous advice of the 57, in making up his mind what rule he is to take as an alternative.

"More agreement characterizes the replies to question No. 3. Seventy-six doctors are convinced that a total abstainer is a safer patient than is a moderate drinker. Of the others, two have evidently misunderstood the question, taking it to mean total abstinence while under treatment, whereas it meant total abstinence as a habit before the sickness or accident named. There are eight who clearly assert that a moderate-drinking patient has quite as good a chance of recovery as a total abstainer. The others qualify their answer.

"When we come to examine the replies to the fourth question, we find that 82 of the 92 who reply, believe that universal abstinence would be a great public benefit; one speaks indefinitely; two decline to discuss the question; three are afraid abstinence from drink would lead to indulgence in some other narcotic; four are of opinion that no material gain or loss would result; and one believes that teetotalism would be injurious to the general health of the community."

Physicians who gave evidence before the Commission stated that a large proportion of the sickness and injuries with which they have to deal results from the use of intoxicants.

Dr. F. W. Campbell, Dean of the Faculty of Bishop's College, and who is not in favour of prohibition of the liquor traffic, testified that a large proportion of his hospital practice, probably eighty-five per cent of it, is caused by drink. He is surgeon of the military school at St. John's, Quebec, and he says that 99 per cent of the troubles of the soldiers is due to liquor.

Dr. A. R. Reid, for ten years superintendent of the General Hospital, Halifax, told the Commission that,—"The experience of ten years in our General Hospital shows me very clearly that though our statistics represented a very large percentage of sickness there as the result of intemperance, really if you figure out the wide influence it has, that the percentage would come, I suppose, up to ninety. That is, taking the history of our institution for the ten years I had charge. A woman comes in with typhoid fever or pneumonia. The previous history shows that the woman was living under conditions with which intemperance had a great deal to do, that if the means which should have gone to support her had been used for that purpose instead of having been used in drink, she would not have had typhoid fever or pneumonia. A man comes in with broken leg and very likely he has to have it amputated, and sometimes such cases never rally. Again, we find that a man drinks two or three glasses of whisky and runs in front of a car, which he would not have done if his head had been level. Another man comes in with inflammation of the lungs; and it appears he had been on a spree and caught cold, and this attack followed. The disease is not put down in our report as a result of intemperance, but simply as pneumonia. When I figure up the results of sickness, I come to the conclusion—I may be wrong, but I really think not—that if there were any means by any possibility, of excluding the effects of alcohol on humanity, the hospitals would have to be closed, for no one would have to go there, because those who go there now would be able to pay their way, for accidents and a large proportion of the disease result from the use of liquor."

Referring to the assertion, sometimes made, that the use of liquor is necessary to men who have to undergo unusual and long continued fatigue, under circumstances which cause exposure to wet and cold, Lieut. Governor Schultz, of Manitoba, himself a medical man of long and varied experience, said:—"It has occurred to me to cite, in refutal of this assertion the three military expeditions to this country. The first of these was in 1846, when four hundred men of the 6th Royal Infantry, with a small detachment of the Royal Artillery and Sappers and Miners were sent to Red River settlement by way of York Factory and had to transport over many slippery, and often over rough and miry portages which intervene between Lake Winnipeg and the sea, a number of six and three pound brass guns, mortars, shot and shell, and immense quantities of military stores, without any but the usual rations being served out. The next—pensioners of the Royal Canadian Rifles—came over the same route in 1868, and more recently the better known expedition of Lord (then Colonel) Wolsely with a Canadian and British expeditionary force, which made themselves and their commander famous for the physical obstacles which they overcame, had simply a double ration of tea and not one drop of spirituous liquor. The official report of the great commander ascribes the health of his men and the speed of the expedition partly to that fact. His enforcing prohibition among troops who were doing the hardest possible work, and wet for days together, as a means of success in the rapid transit of his men and stores to the scene of action, and his landing in Manitoba without the loss of a man, is refutation, from a very high source, of the assertion to which I have referred."

These are but samples of similar medical testimony heard in every part of the Dominion. Even if no other evidence, were available, the replies to questions sent by the Commission to physicians and life insurance companies in Canada are sufficient proof of the physical evils resulting from strong drink. Your Commissioner had hoped that a summary of the answers from physicians would be printed in connection with the report. The following, however, will indicate the heavy preponderance of medical testimony in favor of abstinence.

Of thirteen hundred and fifty-five Canadian physicians who gave definite answers to the question, ten hundred and sixty-eight said that, independently of the benefits

to the intemperate, the general health of the remainder of the population would be improved by total abstinence.

Of thirteen hundred and forty who gave definite answers to a question about moderate drinking, nine hundred and one said the use of intoxicants, even in moderation, is injurious to health and to an active condition of body and mind.

Of seven hundred and seventy-nine who gave definite answers to a question about the relation of drinking to insanity, said that the use of intoxicants increases the number of the insane.

The question asked, and a table showing the number of answers received and their general character are in Vol. 5, Appendix No. 92.

Evidence is abundant, and so clear that it is scarcely pretended now to be questioned, that drink is a most prolific cause directly, of physical disease; and, also, that the want, exposure, violence, accident, neglect and cruelty which arise out of intemperance are responsible for much disease.

*Insanity and Idiocy.*—The evidence of experts shows that drink holds an important place in the list of causes of insanity and idiocy. It is, of course, difficult to obtain absolutely accurate statistics in regard to this matter.

*British Evidence.*—A statement by Dr. Ley, Superintendent of the Prestwich Asylum in Lancaster, England, handed to your Commissioner by Dr. Steeves, St. John, N.B., is the result of careful investigation into the causes of the cases of insanity which came under his treatment. He says: "In about 27 per cent no cause could be assigned, as nothing reliable could be ascertained in regard to the antecedents of those patients. Classifying the assigned exciting causes as mental and physical, the mental causes constitute 23 per cent, and the physical about 55 per cent. Prominent among the former are worry, anxiety, and domestic and pecuniary troubles. Of the physical, intemperance in drink is pre-eminent, reaching about 25 per cent of all causes."

There are many authorities which bear out the foregoing statements. The fact that alcohol so promptly affects the functions of the brain, producing the temporary derangement which most inebriates manifest, prepares us for expecting such very strong statements as the following.

Dr. Edgar Sheppard, medical superintendent of Colney Harch asylum, in a letter to the London *Times*, October 14th, 1883, said:—"For twelve years I have watched and chronicled the developments of the greatest curse which afflicts this country. From 35 to 40 per cent is a fairly approximate estimate of the ratio of insanity directly or indirectly due to alcoholic drinks."

The *British Medical Journal* published a statement from the medical superintendent of the asylum at Carmarthen, England, in which he places the proportion of cases of insanity among the labouring classes, traceable to intemperance, as 35 per cent, and goes on to say: "Yet even this is not the whole truth. We must add to this thirty-four per cent, the cases of those who owe their insanity to the intemperate habits of their parents."

Lord Shaftesbury, a few years ago, said: "I speak of my own knowledge and experience, having acted as commissioner of lunacy for the last twenty years and as chairman of the Commission during sixteen years, and have had, therefore, the whole of the business under my own observation and care, having made inquiries into the matter and having fortified them by inquiries in America which have confirmed the inquiries made in this country, the result is that fully six-tenths of all the cases of insanity in these realms and in America, arise from no other cause than from the habits of intemperance in which the people have indulged."

The *British Medical Journal* says that the part which alcohol has played in the genesis of insanity in Ireland has been brought out in bold relief in a special report recently issued by the inspectors of lunatics in that country. Of the medical superintendents of twenty-two district asylums, twenty agree that in their experiences the most prevalent cause of insanity, after heredity, is alcoholism. The proportion of cases of lunacy due to alcohol varies from 10 to 35 per cent of the whole admissions.

*United States Evidence.*—Dr. Edward C. Mann, President of the New York Society of Anthropology, &c., recently made the following statement:—"Intemper-

ance in drink heads the list of physical causes of insanity, and domestic trouble and grief the moral causes; but out of over 2,000 cases of insanity we find intemperance in drink the cause of 577 cases or 27·4 per cent, and domestic trouble and grief in only 72 cases or 3·4 per cent. There can be no doubt that intemperance in drink induces insanity in fully 25 per cent of all the insane cases in the United States either directly or indirectly. It is also responsible for very much of the imbecility and idiocy of the offspring of intemperate parents. Fifty per cent of all our idiots and imbeciles are without doubt the offspring of drunkards. Where strong liquors are increasingly consumed we find a proportionate amount of alcoholic insanity. Where the consumption of alcohol doubles there we find the cases of insanity from intemperance will rise over fifty per cent. Increase in the number of suicides always follows increased consumption of alcohol, and suicide is a product of insanity."

*Canadian Evidence.*—Some gentlemen who have given special attention to mental disease and its causes were examined by the Commission, and their testimony agrees with that already quoted.

Dr. Reid is superintendent of the Provincial Hospital of the insane at Halifax, Nova Scotia. He said it is very difficult to correctly tabulate the causes of insanity, especially the predisposing causes. In the classification at the Halifax institution "unknown" is the largest class, being about 50 per cent of the whole. Intemperance, he said, comes in with a half a dozen others; but of those classified "unknown" a percentage, he believed, may fairly be traceable to drink.

Of intemperance as a predisposing cause, either in the patient or his progenitor, Dr. Reid said: "This is a subject I should have mentioned when I spoke of hereditary transmission. You have first of all a tendency to epilepsy and to nervous diseases as a result of lack of vigour. You take a family with nervous systems easily upset, and their children are predisposed to that condition, although they may pass their lives without difficulty. Take one them and he has children; these children are insane, being thrown off by very trifling causes. Then again, take the children of drunkards, I will not say drunkards exactly, but take the children of "those who have destroyed themselves through the influence of liquor, and it interferes with the nervous condition of the children. I think we have quite an amount of predisposition to nervous affection as the result of such defects." And he added,—"As a depressing agent, I think alcohol in its various forms is surrounded with greater danger in insanity than in other diseases, as a means of lowering the general constitutional health of all who use it."

Dr. J. T. Steeves has for several years been medical superintendent of the New Brunswick insane asylum at St. John, N.B. In his evidence before the Commission he said: "The insanity of about one-eighth, of our patients is due directly to intemperance, and one-eighth, indirectly. Compared with other causes intemperance stands as the leading cause of insanity. It stands preeminently above any other cause. This is admitted on all hands. The other causes," he said, "are dissipations of all sorts, troubles, anxiety, sorrow and so on."

In a letter to the undersigned, at a later date, and referring to insanity reports, Dr. Steeves says: "You will bear in mind that those tabulated under dissipations must be added to those under intemperance. Those under unrestrained vicious habits and felonious, nearly all have a history of intemperance and dissipation, but they are not so enumerated, they are left out to counterbalance a few duplications in readmissions of drunkards and dissipated subjects."

Dr. D. Clark has been medical superintendent of the insane asylum at Toronto, Ontario, for eighteen years. He testified that of 6,000 cases of insanity which he had carefully examined he found that nine and one-half per cent were, without any uncertainty, produced directly by drink.

Of predisposition to insanity he said that fully 60 per cent of those who came to the asylum are those who have inherited from their parents a tendency to insanity; and he had no doubt the intemperance of parents is in a considerable degree responsible for the tendency. He said: I have no doubt in my own mind that intemperance in parents produces almost absolute degeneracy in children, to a greater

or less extent, mental degeneracy and physical degeneracy. I have watched closely those who are dipsomaniac, those who have intermittent bouts of drunkenness, but who, for months together, may hate the sight of liquor, then when this maniacal condition comes on, nothing will stop them from having their drunken bout, if they can get liquor. A large number of those dipsomaniacs who have intermittent sprees, so to speak, are so from hereditary causes. The moment you get degeneracy in a child, you can scarcely tell in what direction it may make itself manifest. It might be hysteria, in a number of nervous diseases; it might be an inordinate taste for liquors, or it might be insanity pure and simple. The fathers have eaten sour grapes, and the children's teeth are set on edge."

Asked if he thought that abstinence from intoxicants would improve the physical and mental health of the people at large, he answered, "There is no doubt about it."

It will be noticed that the foregoing evidence shows that not only many drinkers become insane, but that the mental weakness which, under any one of various forms of excitement, is liable to become insanity, is, in a large degree, traceable to the intemperate habits of the parents.

### MORTALITY.

Related to the subject of disease is that of excessive mortality. The proportion of deaths directly and indirectly due to intemperance it is, of course, impossible accurately to estimate. Sir Benjamin Ward Richardson, the eminent English physician, gives his views on this point in the following terms:—

"It is difficult to calculate the precise mortality from alcohol, because we have never yet fully diagnosed all the evils leading to disease and death which spring from it. For example, up to this time we have not added the mortality due to alcoholic paralysis in the large computations from which our results have been drawn. Some years ago, from the best data I could obtain, I estimated that in England and Wales the mortality from alcohol was 50,000 per annum, an estimate fairly confirmed by other observers who have made inquiries of an important and independent character. Admitting its correctness, this estimate makes the mortality from alcohol to be about one-tenth of the whole mortality—a view which had previously been expressed by the late Dr. Edwin Lankester, the coroner for Central Middlesex—and places alcohol, as one of the causes of mortality, at the head of those causes. This estimate, however, must have been under the mark, since it excluded altogether that fatality which we now know to arise from alcoholic paralysis, and excluded also, too rigidly, instances of direct poisoning from alcohol and all accidents of a fatal kind indirectly due to alcohol. I would not, however, run any risk of being charged with over-statement, and would be content still to place the mortality from alcohol at one-tenth of the whole mortality, in places where the article is consumed in the same proportion as in England and Wales at the present time, a proportion fairly representative of alcoholic populations generally."

Dr. Norman Kerr, a distinguished English physician, has made an exhaustive study of this question and published the same in a work entitled "Mortality of Intemperance." He tells that he commenced the investigation "with the avowed object of demonstrating and exposing the utter falsity of the teetotal assertion that 60,000 drunkards die every year in the United Kingdom." From his statement the following is taken:—"It has been my painful duty to compute the mortality from inebriety within our borders, and the estimate which, after careful inquiry, I was enabled to lay before several scientific and learned societies was pronounced 'moderate' and 'within the truth' and has never been seriously disputed. There is, first, the number of deaths occurring annually in the United Kingdom from personal alcoholic inebriety, which I reckon at 40,000. It is true that only between 1,400 and 1,500 deaths have been certified as arising from alcohol in one year. But it is well known that the figures of the registration returns are no criterion of the actual number of deaths from alcoholic excess. I arrived at my estimate of 40,000 by taking the proportion of alcoholic deaths to all the deaths certified by me in the course of one year, and applying that proportion, with certain necessary corrections,

to the total number of practitioners throughout the Kingdom. This calculation I checked in a variety of ways. First, by taking the average of seventeen years' practice, comprising 278 fatal cases. Next, by the summary of the causes of 232 deaths in the practice of twelve medical men, some located in cities and some in the country. Next, by taking out from the general mortality returns a certain proportion for alcoholic deaths in hospitals, workhouses, from violence and accident arising through drink, and for the alcoholic mortality among publicans, beer sellers and licensed grocers.

"Dr. Wakely, M.P., late editor of the *Lancet*, and coroner for Middlesex, afforded ample corroboration of the moderation of my figures. Of 1,500 inquests held by him yearly, he attributed 900 at least to hard drinking, and he believed that from 10,000 to 15,000 persons died annually from drink in the metropolis, on whom no inquest was held. Taking London as one-tenth of the population of the United Kingdom, this would give 100,000 deaths from alcoholic indulgence over the country. It is often impossible to elicit a verdict of alcoholic poisoning, or alcohol-acceleration of death, even when the evidence is strong. As the jury have often been neighbours of the deceased, they are naturally unwilling to return a verdict reflecting on his character. Yet, owing to the gradual enlightening of the public mind, juries are steadily becoming more alive to the truth and less reluctant to refer to alcohol. Even when both coroner and jury are ready to acknowledge the facts as to the habits of the deceased, it is difficult to elicit the whole truth from the witnesses. I have seen inquests at which the medical testimony showed the presence of alcohol-poisoning, when the friends declared that their dead relative was a perfectly sober individual, but after the proceedings were closed admitted that he 'took far too much.' Dr. Hardwicke pronounced my estimate of the direct and indirect mortality from alcohol to be 'far within the truth.' Dr. Noble, of Manchester, believes that one-third of our disease is due to intemperance, and Dr. B. W. Richardson that one-third of the vitality of the nation might be saved but for strong drink."

The National Temperance League's Annual for 1889 (London) contains the following statement by Dr. W. Wynn Wescott, deputy coroner for Central Middlesex:—"I have made an analysis of 1,220 consecutive inquests held by me in London, and I cannot refrain from making the results public. I am not and have never been a total abstainer or an advocate of that cause, so there need be no fear that the figures are exaggerated. Of 1,220 cases of deaths, including deaths from violence, sudden deaths, persons found dead and deaths with regard to which no medical certificate is forthcoming, 470 were infants, children and persons below the age of sixteen years. These may be presumably removed from the list of deaths from alcoholic excess. Of the remaining 750 deaths, no less than 143 are recorded as being the result of chronic alcoholic disease, acute alcoholism, delirium tremens, suicide caused by drink, or of accidental death while drunk, or of accidents arising because of incapability when intoxicated—that is, one death in every 5·24. Only nine of the cases were of persons under thirty years of age, and but twenty-one cases were of persons over sixty years old."

The late Sir Andrew Clark, physician to the Queen, said:—"I do not desire to make out a strong case. I am speaking solemnly and carefully in the presence of truth, and I tell you I am considerably within the mark when I say to you that in going the rounds of my hospital wards to-day, seven out of every ten there owed their illness to alcohol."

Speaking out of the experience of twenty-five years, during which he had to inquire into the habits in relation to the health of 10,000 people a year, he said that he had found alcohol to be "not only not a helper of work, but a certain hinderer of work;" that out of every hundred patients under his charge in the London hospital "70 per cent of them owed their ill-health to alcohol;" and that "more than three-fourths of the disorders in what we call fashionable life arises from the use of this very drug."

In 1888 a report was made by the "Collective Investigation Committee" of the British Medical Association on the influence of alcoholic habits on the age at death of males over twenty-one years. The report was prepared by Isambord Owen,

M.D., M.A., F.R.C.P., secretary of the committee. Over 4000 cases, investigated by 178 physicians, were dealt with. The tables contained in the report have been misconstrued to show that moderate drinkers are the longest livers, and that total abstainers are the shortest livers, falling below those, even, who are excessive drinkers. The attention of Dr. Owen having been drawn to the use which was being made of his report, he wrote to the press, over his own signature, the following:—

"As the author of the report 'The Connection of Disease with habits of Intemperance,' issued last year by the Collective Investigation Committee of the British Medical Association, I shall be glad if you will allow me to correct certain erroneous ideas of its purport which, I am informed by numerous correspondents, have become current among the public, and are being disseminated by interested persons in a manner calculated to do serious mischief.

"It is constantly being asserted, I am told, on the authority of the report in question, that abstinence from alcoholic liquors has been proved to be a habit eminently prejudicial to health, and that total abstainers have been shown to be a shorter lived body of men than habitual drunkards.

"Permit me to say, sir, that my report is not answerable for any such absurdities. The assertions I referred to are founded on certain statistical figures contained in the report, which are systematically quoted apart from their context, and in defiance of the explanation therein given. The actual conclusions of the report, as regards relative longevity, are as follows:—

"1. That habitual indulgence in alcoholic liquors beyond the most moderate amounts has a distinct tendency to shorten life, the average shortening being roughly proportioned to the degree of indulgence.

"2. That of men who have passed the age of 25, the strictly temperate, on the average, live at least ten years longer than those who become decidedly intemperate. (We have not, in these returns, the means of coming to any conclusion as to the relative duration of life of total abstainers and habitually temperate drinkers of alcoholic liquors.)"

The *British Medical Journal*, organ of the British Medical Association, also added its condemnation of the unwarranted use which had been made of the report, saying:—

"Rarely has any document been the subject of such extraordinary misconception and misrepresentation as has fallen to the lot of Dr. Isambord Owen's report of the Collective Investigation on the connection between drink and diseases. All over the kingdom Dr. Owen has been represented as laying down, from the returns sent in to this committee, that total abstainers do not live as long as moderate drinkers, or even as those who are actually intemperate. We need hardly say to our readers that Dr. Owen has never said anything of the kind. On the contrary, he distinctly stated that no conclusion could be drawn from the returns as to the relative longevity of teetotalers. It is true that the figures warrant the construction of a table from which the casual observer, ignorant of the subject, might suppose that the average life of the abstainer was some nine months less than that of the decidedly intemperate. But Dr. Owen devotes considerable space to the exposure of such a fallacy. His explanation of the apparent anomaly is simply that, as the greater number of converts to abstinence have been from the young during the three years embraced in the returns, the average of adult abstainers must have been less than the average age of drinkers. He supports this explanation by constructing two tables of the average at death of persons between thirty and forty, and of those above that age, with the result that the relative proportions are greatly altered.

"The conclusion, erroneously attributed to Dr. Owen is utterly unwarrantable, though it has been paraded in high class journals of which better things might have been expected. Taking into consideration how valueless vital statistics are without the explanations which usually accompany them, it is curious how so many writers have seized upon a few isolated figures, have put an interpretation on them which they do not warrant, and have credited conclusions to the editor of the returns which he not only never drew, but actually showed good reasons for not drawing.

A careful perusal of the Committee's report would have saved not a few literary critics from a ludicrous blunder."

The *Medical Pioneer* (London) pointing out that of the 4,234 deaths investigated only 122 were of total abstainers, and that the average of present day male abstainers in England is much below that of all other male adults, because the majority of abstainers are young men, says:—

"A very little consideration will convince anyone open to conviction that these very figures (Dr. Owen's) really indicate the advantage of total abstinence. For the small number of 122 dead teetotalers against 4,112 drinkers of all sorts shows clearly that the mortality among abstainers is lower than that among non-abstainers, a fact amply corroborated by life insurance societies. The dead abstainers are not quite three per cent of the whole number; but it is notorious that there are far more than three abstainers in every hundred adult males. We might safely say that there are at least fifteen, probably more. It is clear, then, that if the mortality among the abstainers had been as great as among the drinkers there would have been 635 deaths instead of 122. Hence we must conclude that the other 413 are living on, not having had time to reach the end of their natural lives. We may be quite sure that a similar investigation held every ten years would reveal a gradually increasing longevity among abstainers."

In 1890 a very interesting investigation was made in the United States. The editors of two medical journals, having wide acquaintance among leading men of the profession, were requested to select a number of prominent medical authorities in various parts of the country, to whom was submitted a series of questions framed so as to obtain their opinions as to the extent to which alcohol was a cause of the cases of disease which they were called upon to deal with, and also the percentage of deaths from such diseases which might fairly be attributed to alcohol. Taking the answers received and making from them a careful estimate, applied to all the mortality of the country, it is seen that the case is not overestimated when the deaths each year attributed to drink in the United States are placed at 80,000 or 100,000. This would be, say, from 10 to 12 per cent of the whole mortality.

*Insurance Testimony.*—The greater expectation of life enjoyed by persons who abstain from alcoholic liquor, and the inferior character of life risks of men engaged in the liquor business, are now admitted facts in the business calculations of Insurance Companies. In England there are several Life Insurance Associations which, by the experience of a number of years—a period long enough to base a judgment upon—have demonstrated the decided advantage, in the matter of longevity, of total abstainers. The Sceptre Life Association of London was established in 1864. The results are thus set forth: "This Insurance Company was established in 1864 to effect assurance chiefly upon the lives of members of religious bodies, as the founders of the Association believed that a lower rate of mortality prevailed among that class than among the general public, in consequence of their more careful habits and quieter mode of life; and, as it was believed that total abstinence from intoxicating drinks was conducive to longevity, a section was formed for total abstainers, with the result that up to the present time it has been found that a much lower death rate has prevailed in that section than in that for non-abstainers. From the latest statistics it appears that in the General Section of that Association between the years 1884 and 1892 the expected deaths were 943, and the actual deaths 716; whilst in the Temperance Section the expected deaths were 433 and the actual deaths 241. In 1892, in the General Section the actual claims amounted to 89·67 per cent of the expected; whilst in the Temperance Section the actual claims were but 56·06 per cent of the expected. In this Association all the members are stated to be of very abstemious habits; so that here we have a fair comparison between the death-rate of total abstainers and strictly moderate drinkers. About 60 per cent of those insured during the last seven years have been total abstainers."

The results in the United Kingdom Temperance and General Provident Institution have been the same, as the following summary statement shows: "Since the year 1866, an experiment has been made, in that Insurance Company, insuring by

total abstainers, and non-abstainers from alcohol, in distinct sections, with the following results: "In the 24 years included between 1866 and 1889, the Temperance Sections, which had expected claims amounting to 4,543 for £983,307, had only 3,198 actual claims for £664,832; whilst the General Section had 6,894 expected claims for £1,428,671 and 6,645 actual claims for £1,371,525. It will thus be seen that the actual claims in the Temperance Section, if calculated on policies, are about 70 per cent of the "expected," while in the General Section, they are 96 per cent of the "expected."

The Temperance and General Life Association of Canada and the Royal Templars Life Insurance Society of Canada and Newfoundland, as has been stated in evidence by their representatives, show like results. Mr. A. M. Featherston, Montreal, the chief officer of the latter society, said (questions 30130–30132, Volume 2): "Our record is something extraordinary in our death rate. Our average table is better than the mortuary table. Our members live longer than they have any business to, and that is because of their total abstinence. Within three years we have got over $40,000 to our balance at the bank." And that balance is for the benefit of the insured.

Mr. Henry Sutherland, Toronto, Manager of the Temperance and General Life Insurance Society, stated that of those insured by his company,—

"We have about twice as many total abstainers as the number in the general class; and our charter compels us to keep them separate for all purposes." A very important statement, based on a careful examination into the practice of life insurance companies generally with regard to the acceptance of risks and the experience of the particular companies that have kept the two classes of risks entirely separate, was presented by Mr. Sutherland (Appendix No. 12, Vol. 4, part 2). Of the experience of his own company he said,—"The general mortality experience of his company has been of the most favorable character, being low in its General Section and exceptionally low in its Temperance Section. I am not prepared to state precisely the percentage of the tabular expectation of mortality that has been the experience of the two sections, but the difference has been such as to be obvious when expressed in a general way. This company has had an average of about twice as much business in its Temperance as in its General Section, taking its history throughout, and its losses have been practically the same amount in the two sections. This, in the face of the fact, that we are extremely rigid in our requirements with regard to the use of intoxicants by those accepted in our general section, prove, to my satisfaction at least, that total abstainers are much better risks, and likely to live much longer than those persons who are regarded as very moderate in their use of intoxicants."

The last annual report of the company, issued in January 1895, states that in a division of the surplus amongst the policy holders entitled thereto, those in the Temperance Section were entitled, according to the experience of the company, to one third more on similar policies than those in the General Section.

Life insurance companies, generally recognize the injurious effects of alcohol; they make careful inquiry about the drinking habits of applicants; none of them will insure a man who is known to be a heavy drinker, and some of them give abstainers the advantage of larger profits. That the liquor traffic is considered dangerous by insurance companies, is shown by the fact that many of them refuse to take risks on bartenders and some others connected with the trade, even though they be abstainers.

All the evidence obtained—including that of men and associations not at all interested in the moral phases of the question, but who have reached conclusions entirely by an examination from the standpoint of business—goes to show that the liquor habit is responsible for a very large degree of physical deterioration, and for the destruction of thousands of valuable lives annually.

*Canada's Death Rate.*—The total number of deaths recorded in Canada in 1891 was 67,688. Ten per cent of that number would be 6,768. It is probable, however, that the death rate through intemperance in Canada is less than that in the other

countries named, inasmuch as the consumption of alcohol here is comparatively small. In an address made to the House of Commons in 1874, Hon. G. W. Ross, who had made a special study of the statistics of intemperance, estimated the annual loss of life in Canada through the liquor traffic at 4,000. In 1885 the Hon. George E. Foster, in a speech in Parliament, took 3,000 deaths per year as the number which might safely be set down as due to this cause. This, in view of the facts already set forth, must be regarded as a very moderate estimate. And yet it is an alarming contribution to the price paid for the continuance of the liquor traffic.

VICE AND CRIME.

The sad fact of the universal prevalence of drunkenness is very manifest. No part of the civilized world has escaped this great evil. It holds sway in the northern countries where spirits are the principal intoxicant consumed, in the lands where beer is the popular drink, and in these countries where wine is the generally used intoxicant. But a vast deal of vice and crime, other than drunkenness, is also chargeable to drink. Evidence of this is so abundant and so unanswerable that there is scarcely an attempt now to deny it.

The report of the Committee of the Convocation of York, England, already mentioned, sets out a startling array of testimony from officials of all kinds who have to deal with crime, showing that drink is both a predisposing and an exciting cause of very much wretchedness and crime. Summing up this evidence, the report says:—

"Many magistrates, governors of gaols, chaplains of gaols, and superintendents of police, concur in stating that of those crimes which obtain public notice, from 85 to 90 per cent are the direct result of drunkenness. Others declare that the chief use of the police in their districts appears to be to look after the public houses and their frequenters; whereas, in those cases where clergymen are able to rejoice in the fact that 'there is no known thief, rogue or vagabond in our parish,' they add, as a reason, that 'there is also no public house or beer shop.'"

Felix L. Oswald, a well informed and thoughtful writer on this question, sums up the facts that lead to such alarming results in the following terms:—

"1. Drunkenness excites the instinct of destructiveness and thus becomes a direct cause of violence and often of wholly unprovoked assaults.

"2. Inebriety clouds the perceptive faculties and thus disqualifies its victims for judging the consequences of their acts or realizing the force of dissuasive arguments.

"3. Habitual intemperance weakens the influence of self-respect and eventually almost deadens the sense of shame.

"4. Intemperance tends to idleness, the parent of vice.

"5. Intemperance is the chief cause of poverty, and thus indirectly of the crimes prompted by hunger and distress.

"6. Alcohol tends to beget a disinclination to intellectual employment, and thus neutralizes a chief agency of reform.

"7. Intemperance begets a hereditary disposition to idleness and vice."

The same writer quotes the celebrated Professor Otto, of Upsala, as saying:—"The greater part of the exciting influence of alcohol is directed towards the posterior and inferior portions of the brain; in other words, it excites chiefly the organs of the animal propensities, and according to the law that whatever stimulates strongly one class of cerebral organs weakens another class, alcohol, while it adds vigour to the animal propensities, enfeebles the intellectual faculties and the moral sentiments."

*Hereditary Vice.*—One of the most serious charges made against intemperance, and fully sustained, is that it creates such conditions of heredity and environment as to make it almost impossible for a large proportion of children to become anything else than paupers and criminals. From birth they are handicapped by evil surroundings and tendencies that are the direct result of intemperance. Perhaps one of the strongest statements with reference to this, made by one who has given it very close and careful attention, and whose statements are generally accepted, even by those who do not agree with his proposed remedies for the conditions he

sets out, is the following made by General Booth in the work already mentioned:—"Thousands upon thousands of these poor wretches are, as Bishop South truly said, 'not so much born into this world as damned into it.' The bastard of the harlot, born in a brothel, suckled on gin, and familiar from earliest infancy with all the beastialities of debauch, violated before she is twelve, and driven out into the streets by her mother a year or two later, what chance is there for such a girl in this world—I say nothing about the next? Yet such a case is not exceptional. There are many such, differing in detail, but in essentials the same. And with boys it is almost as bad. There are thousands who are begotten when both parents were besotted with drink, whose mothers saturated themselves with alcohol every day of their pregnancy, who may be said to have sucked in the taste for strong drink with their mother's milk, and who were surrounded from childhood with opportunities and incitements to drink. How can we marvel that the constitution thus disposed to intemperance finds the stimulus of drink indispensable? Even if they make a stand against it, the increasing pressure of exhaustion and scanty food drives them back to the cup. Of these poor wretches, born slaves of the bottle, predestined to drunkenness from their mother's womb, there are—who can say how many?"

There is to be found in the thirtieth annual report of the Executive Committee of the Prison Association of New York, an estimate that the notorious Jukes Family had cost the community in seventy-five years, nearly one million dollars. The history of this remarkable family is thus summed up:—"The ancestry of this family is traced to Max, a man who was a very hard drinker, and who became blind. Many of his descendants for two generations were also blind, and a multitude of them inherited his intemperance. One of the most notorious of his offspring was a woman named Margaret, of whose progeny Richard L. Dugdale writes:—'In tracing the genealogies of five hundred and forty persons who descended in seven generations from this degraded woman, and one hundred and sixty-nine who were related by marriage or cohabitation, two hundred and eighty were adult paupers and one hundred and forty were criminals and offenders of the worst sort, guilty of seven murders, theft, highway robbery and nearly every other offence known in the calendar of crime.' He estimates that the cost to the public of supporting this family of drunkards, criminals and paupers was $1,308,000.

*Testimony of Eminent Men.*—The history of vice and crime is full of corroborations of the fact of the responsibility of the liquor habit for the lamentable things described. Sir Matthew Hale, Chief Justice of England, many years ago, said:—"The places of judicature I have long held in this kingdom have given me an opportunity to observe the original cause of most of the enormities that have been committed for the space of nearly twenty years; and by due observation I have found that if the murders and manslaughters, the burglaries and robberies, the riots and tumults, the adulteries, fornications, rapes and other outrages that have happened in that time were divided into five parts, four of them have been the issues and products of excessive drinking."

Since then many other eminent men who have carefully studied the question have expressed the results of their observation in like terms, and even more emphatically.

The following may be added from distinguished authorities, gentlemen not in any way actively identified with the movement to prohibit the liquor traffic:

"Among all causes of crime, intemperance stands out the unapproachable chief."—Judge Noah Davis.

"Two-thirds of the crimes that come before the courts of law in this country (England) are occasioned chiefly by intemperance."—Lord Chief Baron Kelly.

"If the cases appearing in all the calendars throughout England were taken, it would be found that seventy-five per cent of the crime was traceable, directly or indirectly, to the inordinate love of liquor."—Justice Hawkins.

"I can keep no terms with a vice that fills our gaols, that destroys the comforts of homes and the peace of families, and debases and brutalizes the people of these islands."—Chief Justice Coleridge.

"Drunkenness is not only the cause of crime, it is crime; and the encouragement of drunkenness for the sake of profit on the sale of drink, is certainly one of the most

criminal methods of assassination for money ever adopted by the bravos of any age or country."—Ruskin.

"The great cause of social crime is drink. The great cause of poverty is drink. When I hear of a family broken up and ask the cause—drink. If I go to the gallows and ask the victim the cause, the answer is drink. Then I ask myself in perfect wonderment, why do not men put a stop to this thing?"—Archbishop Ireland.

"The more I examine and travel over the surface of England, the more I see the absolute and indispensable necessity of our temperance associations. I am satisfied that unless they existed we should be immersed in such an ocean of immorality, violence and sin as would make this country uninhabitable."—Lord Shaftesbury.

"Drunkenness causes every year in England 60,000 deaths. According to the testimony of the magistrates, it is the source, directly or indirectly, of 75 per cent of the crimes committed, causing the disastrous ruination of families and destroying domestic life, together with the practice of religion and the christian education of the children."—Cardinal Manning.

"The diminution of the revenue from drink goes side by side with an increase and extension of the saving habits of the people. It has been said that greater calamities—greater because more continual—have been inflicted on mankind by intemperance than by the three historic scourges of war, famine and pestilence combined. That is true, and it is the measure of our discredit and disgrace."—Gladstone.

"After all, if we hunt vice and crime back to their lairs, we will be pretty sure to find them in a gin mill. Drunkenness is the prolific mother of most of the evil doing. Drunkenness is the prime cause of all the trouble."—Police Superintendent, New York City.

"The liquor traffic is responsible for nine-tenths of the misery among the working classes, and the abolition of that traffic would be the greatest blessing that could come to them."—T. V. Powderly, ex-Grand Master Workman of the Knights of Labour.

"I do not overstate it when I say that the two hundred thousand saloons in this country have been instrumental in destroying more human lives in the last five years than the two million armed men did during the four years of the civil war. Whisky is a more deadly weapon than shot or shell or any of the implements of our modern warfare."—Hon. William Wyndom, Secretary of the Treasury, United States.

*An Expert's Testimony.*—Probably the most systematic and thorough investigation into the relations of drink to crime ever made was that by Hon. Carrol D. Wright, Chief of the Bureau of Statistics of Labour for the State of Massachusetts, who made, between 1st September, 1879, and 1st September, 1880, a thorough investigation of the personal history of all offenders sentenced in the county of Suffolk, including the city of Boston, for the years named, as well as the offences for which the sentences were imposed. From his report of this work and its results, the following paragraphs are taken:—

"The total number of sentences for the year of our investigation, the distinctive rum offences included, was 16,877; 12,829 were directly due to rum causes, 12,221 being for sentences for the various grades of drunkenness, and 68 for liquor keeping and liquor selling without licenses, &c.

"Thus, for the year, the sentences for rum causes alone constitute 72 per cent of the whole, leaving a small balance of 27 per cent. Now, to discover what was the influence of intemperance in the commission of this balance formed the object of this investigation.

"We sought to compass the object of our investigation by ascertaining the connection between rum and the criminal in five directions: 1. Whether the criminal was under the influence of liquor at the time the crime was committed. 2. Whether the criminal was in liquor at the time he formed the intent to commit the crime. 3. Whether the intemperate habits of the criminal were such as to lead to a condition which induced the crime. 4. Whether the intemperate habits of others led the criminal to a condition which induced the crime. 5. What were the drinking

habits of the criminal, whether total abstainer, moderate drinker or excessive drinker? And for the purpose of enabling us to make this investigation as thorough and accurate as possible, we endeavoured, through our agents, to acquaint ourselves with each criminal, his history, his friends, his neighbourhood, his real name and the exact name and nature of his offence; his residence, his occupation, his age and birth place.

"In each of the nine courts of criminal jurisdiction in the county of Suffolk, we had an agent, paid to investigate each case that appeared in the same. It was the duty of these agents to interview each criminal separately, to hear his statements relative to the points of our inquiry; to follow the evidence offered in each case in open court; and to acquaint themselves, as far as practicable, with the circumstances connected with the past life of each criminal. The results of their several researches were transmitted at the end of each month to this office where the returns were carefully canvassed. All those which were satisfactory were filed away for future use; those which were not complete were returned with instruction that they be reinvestigated and corrected."

Mr. Wright gives the result of this thorough investigation in a series of tables that are very instructive. They are too extensive to be quoted in full, but their showing is epitomized by Mr. Wright in the following statements :—"It appears that 2,097 of the 4,608—which constitutes the 27 per cent balance of crime—were in liquor at the time of the commission of the various offences of which they were found guilty. This number is equal to 45 per cent of the 27 per cent balance, or to 12 per cent of the sum of all offences for the year, the distinctively rum offences included; that 1,918 were in liquor at the time of the formation of the criminal intent; that the intemperate habits of 1,804 were such as to induce a moral condition favourable to crime; that 821 were led to a criminal condition through the contagion of intemperance; that, of the 4,608 convictions, the total abstainers numbered 1,158, the moderate drinkers, 1,918, and the excessive drinkers, 1,317.

"The above figures indicate the enormity of rum's share in the 27 per cent balance of criminal cases in Suffolk county for the year of the investigation. They show that to the 72 per cent for distinctively rum crimes must be added 12 per cent representing the criminals who were in liquor at the time of committing other crimes, making a total of 84 per cent of all criminal cases due directly or indirectly to the influence of liquor.

The other details given are equally interesting and important. For example, it is shown that of the 4,608 offences not directly related to the liquor traffic, the criminal in 2,097 cases was under the influence of strong drink. In 1,918 cases the intent to commit the crime was formed while the offender was under the influence of liquor, 1,804 of the offenders had been led to the condition which induced the crime through intemperate habits, and 821 had been led to the condition which induced the crime through the intemperate habits of others.

Mr. Wright, who is now chief Commissioner of the Department of Labour of the United States, and whose statements are not the extravagances of an enthusiast, but the deductions of an expert statistician who had no object but to discover and set forth the bald and unquestionable facts, sums up the result of his examination thus :—"These figures paint a picture, at once the most faithful and hideous, of the guilt and power of rum. Men and women, the young, the middle aged and the old, father and son, husband and wife, native and foreign born, the night-walker and man slayer, the thief and adulterer—all testify to its ramified and revolting tyranny. Therefore the result of this investigation, in view of the disproportionate magnitude of the exclusively rum offences, and considered in connection with the notorious tendency of liquor to inflame and enlarge the passions and appetites, to import chaos into the moral and physical life, to level the barriers of decency and self respect, and to transport its victims into an abnormal and irresponsible state, destructive and degrading, calls for earnest and immediate attention at the bar of public opinion and the public conscience."

*Canada's Experience.*—The effects produced elsewhere by the use of intoxicating liquors are produced in Canada also.

Drunkenness is the most prevalent offence against law, with which our courts are called upon to deal. The extent of it is appalling. Mr. George Johnston, the dominion statistician, has furnished your Commissioners with a statement showing that in the years from 1882 to 1892, inclusive, the total number of convictions for all offences in the Dominion of Canada was 383,459. Of these 133,371 were for drunkenness. The annual average of convictions was 34,860. The annual average of convictions for drunkenness was 12,125. And probably not one third of those who drink to drunkenness ever appear in these records.

The report of the Ontario Prison Reform Commission, in 1891, says: "Drunkenness does more than any other cause to fill the gaols, and it unquestionably does much to recruit the ranks of the criminal classes. Of the 11,893 persons committed to the gaols of the province during the year 1889 no less than 4,777 were charged with having been drunk and disorderly, and in all probability excessive use of strong drink was the chief cause of trouble in the case of 534 persons who were committed on the charge of common assault. Of the 11,587 cases disposed of in the police court of the city of Toronto 5,441 were cases of drunkenness and disorderly conduct caused by drunkenness. The proportion in the other cities, as will be seen by reference to the return published elsewhere, was about the same. The number of convictions on charges of drunkenness in the province during the year was 7,059, very nearly one third of the whole; and of the 675 prisoners in the common gaols at the close of the year a very large proportion were habitual drunkards."

And what is true of Ontario is true of the other provinces of the Dominion—of some in a greater degree, of some in a smaller degree, but of all in a painfully large degree. A great deal of the time, energy and expense of the police system of this country is expended in dealing with drunkenness alone.

As in other countries, so in this, the great majority of the offences and crimes with which the courts have to deal is traceable to drink. Anyone who will visit the police court of any city or large town cannot fail to observe that the liquor traffic and the conditions it creates are responsible for nearly all the disorders, assaults, larcenies and other cases which occupy the attention of the police judges, and which furnish the population of the gaols.

*Official Testimony.*—Much evidence bearing on this was heard wherever the Commissioners sat. A few samples of the evidence are appended.

*Montreal.*—Judge De Montigny, Recorder of the city of Montreal, one of the presiding judges of the city court, gave evidence to the effect that of the several thousands of cases which come before him each year, including "disorderly conduct, refusing to work for a living, indecent exposure, living on the profit of prostitution, begging without permission, and other charges, amount to 5,436 for the year 1890, the most of them may be traced to drink." Of houses of prostitution, he said: "It is generally liquor that has brought those girls there." And of lunacy cases which come before him, half of them are due to drink. Of the effect the drink trade has on business interests he said: "It has the effect that when a man begins to drink and gets into the habit of drinking, he does not care if he loses his honour, his reputation and his fortune. It has the effect of ruining a man in his soul and in his body, and of putting him in an asylum."

Of the effect the liquor traffic has upon the people engaged in it, he said: "It is awful, because they generally become drunkards themselves, and their children grow up with bad habits. And the spending of so much money in liquor injuriously affects the working classes. If you see a family in a poor condition and asking for charity, or to be helped through the winter, you are sure to discover it is due to the drinking habit of the head of the family."

He said, also, that the drunkards "are from all classes of society. * * * * If we had not the abuse of liquor in this country we would have the best people in the world, and I think it would not be necessary to have a recorder in the city of Montreal; at all events, he would have a good time if there were no liquor."

Judge Dugas, of Montreal, gave similar testimony. Of the cases which come before his court, he said: "To intemperance, leaving aside the professional criminals, I attribute 80 per cent or 90 per cent." Of the professionals he said: "I think they all drink, but they take great care not to drink before committing their depredations."

Mr. Andrew Cullen, Chief of the Detective Police Service of Montreal, told of the deplorable condition to which the drink habit reduces its victims, and cited a number of instances. (Vol. 2, page 489).

Mr. Samuel Carsley, merchant, Montreal, president of the Association for the Protection of Women and Children, told the Commission that, having made careful examination of the large number of cases with which the association has had to deal, he was convinced that over 90 per cent were caused by intemperance. "We put that as the minimum," he said: "you may say nearly all the cases."

That drunkenness and related offences are not becoming less under the license system of Montreal is made plain by the report of the Recorder's Court for 1894, compiled and issued by Mr. Forget, clerk of the court. Such offences as the following have greatly increased:—Drunkenness, keeping disorderly houses, inmates and frequenters of disorderly houses, assaults on police, assault and battery, malicious damage to property, threatening language, vagrancy, violation of liquor license law by licensees, selling liquor without license, &c. The cases of drunkenness alone in 1894 were 1,098 in excess of the cases in 1893.

Alarming as is the official summary of the cases dealt with by the court, it appears, according to the evidence given before the Commission by Mr. Forget, clerk of the court, to be much below the actual facts. He said:—

"A large number of persons who are arrested for being drunk, especially on Saturday night, are, however, discharged by the police, and never appear before the Recorder's Court." The number of these cases, he said, "is about two-thirds of the number that go before the court. This applies to Saturday rather than to any other day of the week." Intoxicated persons who are quiet and can manage to get home are not arrested. But, Mr. Forget said:—"When a man is so drunk that he cannot walk the officers will bring him to the station, and if he is not known as a loafer and has created no disturbance, he is often discharged by the sergeant of the station when he gets sober. When the person is not convicted the offence is not reported."

Mr. Forget explained, also, that in the returns he makes to Ottawa, and which enter into the official criminal statistics of the Dominion, he does not include all the cases which come before the Recorder's Court. Not only does he not include offences against municipal by-laws, but, he adds:—"I do not include offences against the license laws of the Province of Quebec. Of course, such are criminal offences, but at Ottawa they say they do not want such cases reported."

These facts, showing the incompleteness of the criminal records, and which doubtless apply also to returns from many other Canadian cities, should be kept in mind when comparison is being made of the criminal statistics of Canadian licensed cities with those of cities in states under prohibition, in which the system of arrest and the court record keeping are quite different.

*Halifax.*—Police Magistrate Motton, of Halifax, said: Drunkenness is increasing in that city; that juvenile offences in many instances are attributable to the intemperance of parents; that boys are now committing the offences which were committed "by grown-up persons in former years"; that fifty per cent of the fines imposed by the court are for drunkenness alone; and that a considerable proportion of other cases before the court are due to drink.

Mr. John Naylor, secretary of the Halifax Society for the Prevention of Cruelty to Women and Children, said that eighty per cent of the cases with which the society has to deal are caused by intemperance.

*St. John, N.B.*—The records of the St. John, N.B., police court show that of all the cases dealt with drunkenness alone furnishes over 60 per cent, the percentage in some years being even higher. Mr. G. A. Henderson, for seventeen years clerk of the court, said that fully one-half of the other cases is due to liquor. Of cases of theft, he said, the offenders are, as a rule, people of intemperate habits; and of

juvenile offenders there are very few cases in which the parents are not addicted to drink. Hon. R. J. Ritchie, police magistrate, confirmed the statements of the clerk of his court.

*Quebec.*—Mr. E. A. Déry, recorder of the city of Quebec, said the great majority of the arrests made by the police are for drunkenness; that the larger proportion of the criminal cases tried by him are attributable to drink; and that the greater proportion of crimes would not be committed if there were no liquor. The chief of police confirmed the recorder's statement, saying that three-fourths of the arrests are for drunkenness.

*Toronto.*—Toronto claims to be, and probably is, as well regulated as any large city in Canada, which licenses the liquor traffic. The convictions for drunkenness are not far below 50 per cent of all the cases which are brought before the police court. The police rule is not to arrest a drunken person unless he is disorderly or so incapable that he is liable to be injured or suffer loss. And, besides, many are arrested who are not taken before the court. In 1892, 800 such persons were discharged when they had become sober. The clerk of the police court said that of the cases other than drunkenness which come before the court about 50 per cent of the more serious offences result from drink; most of the assaults and petty larcenies are due to drink; there is a good deal of crime among juveniles, and considerable drunkenness among women.

Chief of Police Grassett said the liquor traffic undoubtedly adds largely to the offences and crimes, other than drunkenness, which are committed in the city. He said: "Assaults and crimes that are the outcome of drunken associations and surroundings; young girls, through the neglect of their drunken parents, fall into bad habits—prostitution and larceny; in fact, a great many of the cases on the criminal calendar of that character are in my opinion either directly or indirectly connected with drunkenness and its consequences."

Mr. J. J. Kelso, Toronto, guardian of dependent and neglected children, who has the superintendence of such work not only in Toronto but throughout Ontario, said the work in which he is engaged is made necessary by the intemperance of parents. "I am satisfied," he said, "that fully three-fourths of the children who need the attention of the public, are reduced to this state through the drunken habits of their parents." He also told the Commission that during eight years of newspaper work, when he came to have much knowledge of police courts, he became convinced "that nearly all the crimes were committed when the criminals were more or less under the influence of liquor. I found that a good many of the lower thieves would prime themselves up with whisky before they would commit these thefts. There is, also, drunkenness among the women, which in itself is ten times worse than in men, because it causes them to lose their maternal instinct and feeling, and they become thoroughly degraded."

Warden Massie, of the Central Prison, Toronto, who has had an experience of thirteen years with prisoners, said that of 12,405 received into the prison since its establishment 9,892 were classed intemperate and 2,513 temperate. In the latter class all the moderate drinkers are included, the abstainers being the small proportion. His acquaintance with the personal history of those who had been in his keeping warranted him in saying that "there is not the least doubt that the liquor traffic is in a considerable degree a producer of crime." He said also that much of the neglect which results in criminal habits in children is traceable to the drinking habits of parents, and that the idleness which becomes the mother of crime is induced by intemperance. "A great proportion of the young lads I receive at the Central Prison," he said, "are boys who have been neglected by their parents, not taught any work or trade, but brought up in idleness, and as a consequence fall into crime." Many, on leaving the prison, make promises, evidently sincere, that they will not drink again, but, the Warden said, the drink shops offer stronger temptations than they can resist, and they soon fall into crime again and are sent back to prison. He gave cases in illustration of this. (Vol. 4, part 2, page 1055.)

In December last, just prior to the vote on prohibition in Ontario, the inmates of the Central Prison were polled on the question of prohibiting the liquor traffic,

with the following significant result: Out of 397 prisoners, 329 favoured prohibition. Their voting is, at least, an expression of their desire to be freed from the temptations of the open saloons, which they find themselves unable to resist, and which keep them bound to habits of drunkenness, idleness and crime.

Other Canadian cities furnish records similar to those quoted. Jailers and sheriffs, wherever examined, testify that the majority of the prisoners in their keeping, from time to time, are prisoners because of offences and crimes of which they would not have been guilty but for drink.

The returns received from magistrates in every part of the Dominion agree that the liquor habit is responsible for a large percentage of the criminal cases which come before them. [Appendix No. 94.] Answers were received from 167. Of 140 who gave definite replies to a question on this point, 101 expressed the belief, based on their experience with criminal cases, that a prohibitory law would materially reduce crime.

The proportion of crime attributed by them to drink ranged from 10 per cent to over 75 per cent, the majority agreeing that not less than 75 per cent was unmistakably traceable to this one chief cause of crime.

The records of the penitentiaries of the country are confirmatory of all that is said of the relationship of crime and the liquor traffic. So far as the habits of Canada's convicts have been tabulated by the officials, it is shown that a very large proportion—fully 95 per cent—of them are addicted to drink.

*Other testimony.*—The case is as strong as any case can be made that the drink habit is chiefly responsible for the greater proportion of the vice and crime which afflicts humanity. And the Commission could not fail to be impressed that Canada's experience does not differ from the experience of other countries.

In every province the testimony given and the facts collected tell the same story of physical and moral deterioration, domestic distresses, neglected children, misdirected and ruined lives, disorders and crimes—all attributable to the liquor habit, and being more marked as the liquor traffic is tolerated and patronized. Testimony, other than that given by officials, corroborative of these statements might be quoted at great length from the evidence heard by the Commission.

The clergymen of the country have exceptional opportunities of learning the truth about the effects of the liquor traffic on home life, and their testimony, as given before the Commission, is, with a few exceptions, that great evils result from it. A series of questions was addressed to all the ministers of all denominations in the country. (App. No. 98.)

Answers were received from 2,465, of whom 314 were Roman Catholic clergymen. Of 2,395 who definitely answered answered the question as to the moral and social effects of the drink habit, 2,123 said the use of intoxicants is hurtful morally and socially.

Of 2,351, 2,147 said the use of intoxicants on family life and on the care of children is hurtful.

Of 2,387, 2,050 expressed the belief from their observation, that the use of intoxicants in families, even in moderation, is detrimental to social and moral habits, to the domestic relations, and to the education and prospects of children.

Of 1,875 who had lived in places where local prohibition was in force, 1,606 said it had lessened drunkenness. (*See* Vol. 7, App. No. 88.)

This section may properly be concluded by a few quotations from the evidence of men of close observation and wide experience, who are well known in every part of the country.

Sir Leonard Tilley, for forty years in public life, a member of the Government of Canada for many years, and for twelve years Governor of the Province of New Brunswick, says: "I have been fifty-five years a teetotaler and pretty actively identified with the whole movement, and everybody who has watched it must see the deleterious effects the traffic has morally, socially, physically and in every other way upon the people. * * * When we consider the expenditure that takes place for intoxicating beverages, and what should also be considered, the loss of time and other losses indirectly connected with it, the effect upon the human system in weak-

ening and destroying it, and also in the production of crime and poverty, the consideration of the business results is one of secondary importance. * * * For myself I have never changed my opinion as to the beneficial results that would follow from the prohibition of the importation, manufacture and sale of intoxicating beverages, except to have it strengthened."

The late Rev. Dr. Douglas, than whom no clergyman in Canada was more widely known nor more highly honored, said: "I would emphasize the point that in my experience, in this city, the effect of the liquor traffic on our young men of the best families has been pathetic and appalling. I can think of some of the best families in which one son after another has gone down to a drunkard's grave and to an appalling end. * * * The worst case of delerium tremens I ever witnessed in my pastorate proceeded from beer drinking; and as to light wines, they educate the taste, benumb the conscience and I might say inevitably strongly tend to the habit of habitual intoxication."

Sir William Dawson, for more than thirty years Principal of McGill College, a distinguished scientist, held in honour the mother country as on this continent, says: "My own interest is the most important one to me in Canada. In regard to other interests, I think there are only two that have come under my cognizance which it will be worth while saying anything about. One is that to which I have just referred, namely the interests of the students. I have always felt it my duty, as have other officers of the University, to set an example of total abstinence to students and to do everything possible to prevent them from falling into bad habits in that respect. But we have been greatly hampered by the existence of drinking places within easy reach of the University. That is one point. The other is in regard to pauperism. I have had occasion to institute inquiries in regard to the pauperism of Montreal. I can confidently say that nearly all the want and destitution prevailing in this city is directly or indirectly attributable to the liquor traffic."

Bishop Bond, of the Church of England, Diocese of Montreal, a man greatly honoured not only in the communion of which he is chief pastor, but in other branches of the church, says:—"In my experience the suffering and distress of families is very largely caused by intemperance. There is nothing which in so large a degree produces so many miseries and so much neglect of religion as the drinking habit. Take away the facilities for getting drunk, and you save a great number of men."

Hon. H. C. Joly de Lotbinière, a gentleman long in public life and highly honoured, says:—"I need not say that I am very much puzzled to suggest a remedy while at the same time I sympathize completely with those who seek to put down that dreadful calamity, drunkenness. I was brought up in a country where the use of wine is general, in France, where wine is looked upon as part of the daily food in every house in every family, even the servants receiving a certain quantity of wine every day. So that I can scarcely bring myself to look upon drinking wine as a sin. On the other hand, I have seen such dreadful abuse of liquor that I feel much sympathy with all those who try to find a remedy for their trouble."

A leading minister of the Methodist Church, Rev. Dr. Potts, Toronto, says:—"My favouring prohibition grows out of my observations as a minister in the cities in this country—in London, in Hamilton, in Montreal and in Toronto. I believe that the liquor traffic is the prolific source of an overwhelming majority of the instances of poverty and trouble of various kinds."

Rev. Alfred Leon Sentenne, priest of Notre Dame, Montreal, one of the leading clergymen of his church, says:—"Drunkenness is one of the greatest scourges of the community. A good deal of domestic trouble and wreck of lives is traceable to drink."

Bishop Baldwin, of the Church of England diocese of Huron, Ontario, who is abundant in labours for the amelioration of the evils of society, says:—"He would favour a prohibitory law as an act of humanity. I consider that the great majority of moral wrecks amongst men, that is, the decline and fall of those men, began through drink when they were young, either as minors or shortly after that period, and that therefore if a prohibitory law were actually established, it would save thousands of young men."

To the foregoing may be added the statements of two gentlemen now prominent in the administration of the affairs of the country. The Hon. Sir Oliver Mowat, for the last twenty-two years prime minister of Ontario, said, very recently: "An enormous proportion, probably three-fourths, of the vice that prevails at the present day, of the crime which they had to contend with, of the lunacy, the idiocy, the poverty and the misery of every kind, is owing to the foul evil of intemperance."

The Hon. Geo. E. Foster, Minister of Finance of Canada, says: "As the eye of citizen, philanthropist or Christian, sweeps the present or gazes out into the future, what curse looms up so darkly? What enemy of man works so incessantly or with such fatal results? To measure all the waste of wealth, the destruction of labour, power, and the burdens caused by that poverty, crime and disease which are its constant outgrowths, would tax the strongest powers of the most gifted political economist. To estimate the pain, the shame, the suffering and death of soul and body, which ever follow in its wake, would simply call for more than human capacity. For a vice which mocks the hopes of humanity and withstands the beneficence of Deity, this has no equal. What fatal inactivity is it which allows any good man to be for one moment idle or unconcerned in the face of so monstrous an evil, and one which stands full across the pathway of our country's progress."

Quotations from the Canadian evidence might be made almost indefinitely to the same effect—all going to show that in this country, as elsewhere, the liquor traffic is the most inveterate foe of all social interests; that nothing else makes such relentless war upon home and all the sacred interests that centre there. It is established, also, that the visible evil effects are but a small part of the sad record. Back of them, and deeper, there is a devastation which has never been fully shown, and which it is impossible to more than imperfectly record. The violations of family affections and the destruction of domestic peace—who can tabulate them? What is seen is merely the overflow of miseries, the full measure of which is known only to Him who sees all things.

## RESPONSIBILITY OF THE TRAFFIC.

The evils that have been referred to are directly traceable to strong drink. The consumpton of intoxicating liquors has been promoted, no doubt, by wrong ideas in reference to their nature and effects. This ignorance is being dealt with and corrected by the dissemination of knowledge, notably by the teaching of what is known as scientific temperance in public schools. Another factor in encouraging and extending drink consumption is, undoubtedly, the customs of society and the habits they create. Idleness frequently contributes its share as a cause of indulgence in drink. Trouble and poverty impel some to seek in the excitement of liquor a relief from these trials. It is, however, manifest that without facilities for the supply of drink the causes named would be to a great extent inoperative. The common traffic in intoxicating beverages supplies these facilities. That traffic, carried on by persons who are naturally desirous of doing as extensive and profitable a business as possible, is in itself a temptation and an incentive to drinking practices. Much of the drink habit in a community is thus directly brought about by the operation of the drink habit.

The drink habit is specially charactized by its tendency to rapid growth when it is fostered. The liquor traffic differs from other business which simply furnishes a supply of that of which there exists a demand. The sale of liquor is generally recognized by those who have studied the subject as a cause of drinking, and as being chargeable with the drunkenness that exists and the evils that follow drunkenness.

An English report, already quoted, declares that,—"The multiplied facilities for obtaining drink may be regarded as the greatest conducing cause of intemperance. The returns invariably show that when these facilities are increased, drunkenness increases also; that when they are lessened, there is a corresponding diminution in intemperance; and this rule seems to operate with all the force of a natural law."

Another English report says:—"One of the causes of our national intemperance, one of the foremost and most prolific, as it appears to your committee, is the operation of the Legislative Act which called beer houses into existence and placed the power of licensing them in the hands of the excise." * * * It appears an unquestionable fact that in proportion as facilities in any shape for procuring intoxicating liquors are countenanced and afforded, the voice of intemperance and its dismal effects are everywhere increased. That this would be the case has been continually maintained by members of the community desirous of repressing intemperance, and extensively acquainted with its phases and its workings. This conclusion the evidence before your committee amply confirms. In the language of one who has investigated the evil in all its terrible details, the secret of the extensive failure of the means hitherto employed lies almost entirely in this—we have permitted the multiplication of agencies in our midst which have a direct tendency to demoralize the people; we have allowed interested parties to place greater and greater temptations to intemperance in the way of the working classes."

These statements are fully borne out by the great array of evidence submitted to the Commission.

The experience of effective workers in temperance reform has led them to the conclusion that as the liquor traffic is the cause of intemperance and the vast array of attendant evils, it must be dealt with if the evils are to be remedied. The late Cardinal Manning, who had given much attention to this subject, said:—"It is mere mockery to ask us to put down drunkenness by moral and religious means when the Legislature facilitates the multiplication of incitements to intemperance on every side. You might as well call upon me as the captain of a sinking ship and say, 'why don't you pump the water out?' when you are scuttling the ship in every direction. If you will cut off the supply of temptation I will be bound by the help of God to convert drunkards; but until you have taken off this perpetual supply of intoxicating drink we never can cultivate the fields."

And concerning Canada's experience, Hon. Geo. E. Foster has said:—"No intelligent observer will, for a moment, attempt to deny that a large part of the intemperance of our people arises from the multiplied facilities for drinking which are set up and maintained by authority of our laws. These facilities act as a school in which the A B C of drunkenness is taught to each generation of youth, and as powerful and invincible temptations to those whose appetite has been already set.

"It cannot but be apparent, that in proportion as these drinking places are shut up, or made disreputable, their influence is lessened, and consequently, sobriety becomes more general."

The great body of thoughtful people have been led to like conclusions. The wrong, the danger, the destructive character of the liquor traffic are now universally recognized. The strongest proof of this is the fact that for many years legislatures everywhere have sought by various restrictive measures to limit and lessen the evil influences of the traffic. There is no civilized state which treats the liquor traffic as a business to be carried on by any citizen as a matter of right, as is the case with other branches of business.

The men engaged in the traffic, and also those who support them, admit its responsibility, in part at least, for the deplorable things charged to it, and are willing that some measure of restriction should be applied to it.

The question to be determined is what degree of restriction will accomplish the desired object.

### EFFECT OF LIQUOR TRAFFIC ON MATERIAL PROSPERITY.

Closely associated with the havoc with which the liquor traffic has been shown to work, from moral and physical standpoints, is the great waste that it entails of the wealth of the community. This result is attained by (1) actual destruction of wealth that already exists, and (2) the prevention of the production of wealth.

*Cost of Liquors Consumed.*—Volumes have been written on the waste brought about by the liquor traffic. The first item that presents itself in attempting to make

an estimate of this loss, is the great outlay of the community for intoxicating liquors. The Inland Revenue returns and the Tables of Trade and Commerce show the quantities of liquor annually consumed. These documents give the quantities of imported spirits, wines and other liquors entered for consumption, the quantity of Canadian spirits entered for consumption, and the quantity of Canadian malt liquors produced, which is usually above the amount consumed. No statistics are available of the native Canadian wine and cider manufactured. Taking the quantities given of the liquors named, and deducting the malt liquors exported, the consumption for the fiscal year ending 30th June, 1893, is found to have been: Spirits, 3,641,936 gallons; malt liquors, 17,293,864 gallons; wine, 478,666 gallons. Various estimates have been made of the amounts paid by consumers for this drink. Probably one of the most conservative estimates and which is certainly safe, considering the way in which most liquor in Canada is sold, is that made by Mr. Foster in a work published in 1884, in which he says that the consumers of this liquor pay therefor about as follows: For Canadian spirits, $5 per gallon; for imported spirits, $6 per gallon; for Canadian malt liquor, 60 cents per gallon; for imported malt liquor, $3 per gallon; for imported wines, $5 per gallon. Reckoning all spirits and malt liquors at the price estimated for the Canadian product, the following is found to be the outlay for liquors in the year named:—

| | |
|---|---|
| Spirits | $ 18,209,680 |
| Malt liquors | 10,376,318 |
| Wines | 2,393,330 |
| Total | $ 30,979,328 |

The Commission has made an estimate based on the average annual consumption for the five years ended 1893. Excluding cider and native wines, and taking an average of the retail prices, the calculation shows that the sum of $39,879,854 is paid annually by the consumers of liquors in Canada. The Commission adds that "as more than one-half of this amount is paid for spirits, to which, it is well understood, a large addition of water is made before they are vended to the public, the total amount is probably considerably in excess of the sum mentioned." In the calculations which follow, the estimate $39,879,854, is used.

The money thus paid may be fairly said to represent so much diminution of wealth, as the liquor when consumed, leaves the community in no way advantaged. When money is paid for clothing, food, or other commodities, the purchaser is supposed to have value for his outlay. Both buyer and seller, respectively, possess wealth formerly held by the other, usually slightly increased by the exchange. The liquor seller possesses the wealth formerly held by his customer, but the customer-consumer has nothing. The community is poorer at least to the extent of the money spent for the liquor. The annual expenditure of liquor, therefore, may be regarded as so much direct loss to the country.

The amount of grain used in the manufacture of this liquor also represents material destroyed. Part of it was Canadian grain which, had it not been used in liquor-making, would have been available for export or other use. Part of it was imported grain for which the money had to go out of the country. All the grain destroyed in the liquor manufacture has a right to a place in the calculation of loss. The Commission's estimate of the value of the materials used is $1,189,765, of which $293,423 is paid for imported articles.

The foregoing figures show only the direct loss in the purchasing transaction—the money paid by the purchasers of liquors for which they have no equivalent; and the value of the grains, &c., diverted from useful purposes.

There are, besides, other and greater losses caused by the liquor traffic, which are not so easy to put into figures. Few question the existence of these losses, but their extent is not generally realized. The facts are ascertained by estimates. The estimates vary; but all who have made a study of the subject agree that the burdens borne by the people on account of the liquor traffic are very great.

*Other Losses.*—The facts set out in this report make clear that much disease, insanity, idiocy and other things which go to increase the dependent classes is due to the liquor habit, and that a very large proportion of the pauperism and crime of the country is attributable directly or indirectly to the liquor traffic. The cost, therefore, of the support of hospitals, insane asylums, police, jails, penitentiaries and the courts, to say nothing of the large sums spent in voluntary charities, is rightly chargeable, in considerable part, to the liquor traffic.

Of course, nothing more than conjecture is possible about the large sums disbursed in voluntary charities for the help and support of the victims, direct and remote, of the drink habit.

*Cost of Prisons, &c.*—Great difficulty has been experienced by the Commission in getting information about the expenditure by the municipalities, the provinces and the Dominion on account of the institutions named above. So far, however, as facts about such expenditure has been ascertained they show appropriations, in 1891, from the public funds for penitentiaries, jails, insane asylums, reformatories, almshouses and charitable institutions amounting to $2,258,612.

The figures, however, are very incomplete. Only three provinces (Ontario, Quebec and Prince Edward Island) make anything like full or accurate returns. The other provinces seem to be without any reliable records of many things about which information was desired, many of the counties making no returns whatever.

Then, the above figures do not include, for any of the provinces, the cost of the administration of justice, the police expenditure and, possibly, other important items.

It is, therefore, not well to use them as the basis of an estimate of the liquor traffic's share of the responsibility for these expenditures.

The Province of Ontario furnishes the fullest returns. A result as nearly accurate as it is possible to get, and sufficiently so for the purpose of this report, may be reached by assuming that the whole country's expenditure for the purposes indicated is proportionate to that of Ontario.

Proceeding on this plan the following facts are ascertained. The public accounts of Ontario for 1894, and the latest accounts of counties, townships, cities, towns and villages, show that the annual expenditure in the province for the administration of justice was $1,412,294.

The net cost to the province of the Central Prison and two reformatories was $116,025.

The Asylum for the Insane cost the province, above receipts, $490,326.

The amount paid by the Provincial Government, in 1894, for hospitals and charities, and the expenditure of the counties, cities, towns and villages for the support of the poor and other charities, aggregated $471,219.

The outlay during the year for repairs and improvements to the prisons and asylums of the province amounted to $335,000, which might properly be considered with the foregoing expenditures.

There might also be added the annual interest on the cost (over $5,000,000) of the prisons, jails, court-houses, asylums, &c.

But the last two items are omitted.

The other items set out above amount to $2,489,864. Large as it is, it does not include all, for it appears that in many cases no returns are made of the police expenses, nor of the cost of pauperism. The amount, therefore, may be regarded as being well within the actual outlay in Ontario, in one year, for the purposes named.

According to the census of 1891 the population of Ontario is 2,114,321, and the population of the Dominion 4,833,239.

If the other provinces of the Dominion expend, for like purposes, in the same ratio, according to their population, then the amount so expended annually in all the provinces, Ontario included, is $5,691,712.

In addition to the above there is to be considered the cost of the maintenance of the penitentiaries of the Dominion. According to the Statistical Year Book of 1892 their net cost for the year was $336,483.

Adding these sums it is seen that the annual cost to the country of the institutions named, is $6,298,195.

This enormous annual expenditure, is not, of course, entirely on account of crime.

The courts deal with many cases not at all related to crime, and of the crime with which they deal, some of it is, probably, not closely related to the liquor traffic, and some of it not at all.

The hospitals, asylums and almshouses have inmates whose unfortunate condition is not due to the drink habit, either of themselves or others.

It will, however, not be an extravagant estimate to say that, at least one-half this expenditure is fairly chargeable to the liquor habit and the liquor traffic. On this basis, then, the liquor traffic entails upon the country for penitentiaries, gaols, asylums, reformatories, almshouses and like institutions, and for the administration of justice, an annual expenditure of $3,149,097.

*Loss of Labour.*—In considering the loss of labour and the general interference with industries caused by the liquor traffic the difficulty of even approximate accuracy is, admittedly, very great. Sufficient attention, however, has been given the subject to enable your Commissioner to present an estimate. The conclusions reached are well within the limit warranted by the facts.

It was suggested to the Commission at the outset of the inquiry that a series of questions relating especially to this phase of the subject be sent to employers of labour, with a view to eliciting valuable information. The majority of the Commission declined to endorse this proposal, and the questions were not sent.

As opportunity offered, however ; employers who came before the Commission were questioned as to the loss of time by employees and the loss to their business by the drinking habits of their men.

The general testimony was to the effect that much time is lost by drinking employees, and that work is frequently interfered with, sometimes seriously, by the absence or incapacity of drinking men. The majority of employers expressed a decided preference for abstainers ; they would not keep excessive drinkers in their employ, and the majority regard even moderate drinkers with suspicion. Many were asked about the effect of saloons in the vicinity of their factories, and nearly all were pronounced in their objection to them as furnishing a temptation detrimental both to their employees and their business.

Fuller reference to this, with quotations from the evidence heard, is made further on in this report.

The loss to the country is, of course, not at all represented by the mere loss of time by men who are regularly employed. The country loses because of the prevention of the production of wealth on account of the persons in jails, in hospitals, in asylums, out of employment or in any way idle, when intemperance has caused such idleness. It is also worthy of note, having been stated to the Commission by a number of witnesses, that the working of a gang of men in a factory, or any set of persons who work to a certain extent dependent upon each other, is much interfered with by the absence of one or more. This is more and more the case as industrial development progresses, and machinery being used and work being more subdivided. In a highly organized manufacturing industry, any interference by absence or incapacity, with one part of the work affects the operation of the whole. So, not only those who drink lose time and possible earnings, but their fellow employees who do not drink are also losers, and the industry which employs them suffers interference and loss.

There is also the depreciation of wage-earning capacity, of which it is perhaps, not possible to make an estimate.

The report of an English Parliamentary Committee says:—"The loss of productive labour in every department of occupation, is to the extent of at least one day in six throughout the kingdom (as testified by witnesses engaged in various manufacturing operations), by which the wealth of the country, created, as it is, chiefly by labour, is retarded or suppressed to the extent of one million of every six that is produced, to say nothing of the constant derangement, imperfection, and destruction in every agricultural and manufacturing process, occasioned by the intemperance and consequent unskilfulness, inattention, and neglect of those affected by intoxication, and producing great injury in our domestic and foreign trade."

Canada, probably, suffers less. The people are more sober. Hon. G. W. Ross and Hon. George E. Foster have estimated that one-tenth the producing power of this country is destroyed by intemperance. These gentlemen had given much and careful attention to the subject, and were not disposed to make unwarranted statements. The facts gathered in this inquiry seem, in the judgment of your Commissioner, to fully justify their estimate.

Lest, however, one-tenth might be regarded as an excessive estimate, your Commissioner bases the calculations which follow on a still lower estimate—say eight per cent or less than one-twelfth. When all the ways with which drink interferes with the regular work, not only of those who drink, but of others also, are considered, it must be conceded that the estimate is quite within the mark.

The following figures are taken from the census returns. Bulletin No. 10 sets out that in 1891 there were 75,768 manufacturing industries in the country, that they employed 367,865 persons, and that the value of their output was $475,445,705.

Deducting from the value of the output the cost of the raw material, the power used, &c.—$255,983,219, and the wages paid—$99,762,441 (an average of $271.00 per employee), there remains the sum of $119,700,045 as the net value of the product of the industries—an average of $325.00 worth produced by each employee. This amount ($119,700,045) is capital's share of the product of the industries, as the wages paid ($99,762,441) is the employees' share of the product.

The proportion of the population engaged in various employments is slightly over one-third (see Census Bulletin No. 18), or more than 1,600,000. If eight per cent of the working and earning power of the country is made ineffective by drink, the loss to the country is equal to what 128,000 earners would produce, (1) wages, at $271.00 each, $34,688,000; and (2) increment at $325.00 each, $41,600,000; a total loss of $76,288,000.

*Shortened Lives.*—That there is much drink-caused mortality has already been shown. The estimate that annually in Canada 3,000 lives are cut short by intemperance is moderate. By the death of each of these 3,000 several years of productive power are lost to the country. Ten years has been estimated as the average loss in each case; but, supposing it to be not more than eight years, the total is equal to the anual loss of 24,000 workers whose work, on the basis of the calculation already made, would have produced $14,304,000.

*Misdirected Efforts.*—There are engaged in the various branches of the liquor traffic about 13,000 men.

These men are not only not producing anything which adds to the wealth of the country, but are creating conditions which increase the public burdens, while they, themselves, draw upon the deputed resources of the country for maintenance.

One item, not the largest, of the loss to the country by the misdirected effort of these 13,000 men is the loss of their productive labour, which, according to the estimates herein used, would be $7,748,000 annually.

*A Summing Up.*—In this connection the fact must be noted that a proportion of the National, Provincial and Municipal Revenues is derived from the liquor traffic. The total amount thus contributed is calculated by the Commission at $8,473,316.22, the details of which are given in the table below.

This is the amount which the liquor traffic pays for the privileges granted it. It is right, that this amount should be set over against the items of loss, and the various expenditures caused by the traffic, hereinbefore considered.

This may be done as follows :—

COST OF THE LIQUOR TRAFFIC.

| | |
|---|---|
| Amount paid for liquor by consumers | $39,879,854 |
| Value of grain, &c., destroyed | 1,889,765 |
| Cost of proportion of pauperism, disease, insanity and crime chargeable to the liquor traffic | 3,149,097 |
| Loss of productive labour | 76,288,000 |
| Loss through mortality caused by drink | 14,304,000 |
| Misdirected labour | 7,748,000 |
| Total | $143,258,716 |

RECEIPTS FROM THE LIQUOR TRAFFIC.

*Revenues.*

| | | |
|---|---|---|
| Dominion Government | $7,101,557 | |
| Provincial Governments | 942,652 | |
| Municipalities | 429,107 | |
| Total | | $8,473,316 |
| Net loss | | $134,785,000 |

From the amount received as revenues from the liquor traffic there ought to be deducted the cost of collection, which is a large item of outlay.

On the other hand, the amount of money counted as loss, because paid for drink, should be diminished by a small percentage—the cost of liquors used in medicine and the arts.

No data are at hand from which these items can be estimated. They may be omitted, or reckoned as probably nearly equal, any difference being, most likely, against the traffic, as a small balance of additional loss.

In the foregoing table the items charged to the liquor traffic are moderate estimates, and many things, which might properly be included, are omitted because of the difficulty of putting them into dollars and cents. Your Commissioner has no doubt that were fifty per cent added to the above balance against the liquor traffic, it would not then be excessive. At the lowest, it is so large that it may well engage the attention of even those who take no other view of this question than the business one.

It must also be kept in mind that the enormous balance chargeable to the liquor traffic represents only one year's waste. For many years like burdens, in proportion to the population, have been imposed upon the country. These facts make it easy to appreciate the truth and force of the statement made, in 1884, by Hon. Mr. Foster. Following a table, prepared by him, showing the cost of liquor consumed in Canada from 1868 to 1882, inclusive, to have been $473,200,900, he said :

" One can scarcely grasp the awful significance of the above figures. The immense quantities of grain that have been worse than wasted would have fed millions of people. The cost of liquors for one year exceeds the whole revenue of the Dominion of Canada. The cost per head has been fully twice as much as the total cost per head of all our customs dues since Confederation. The total amount spent in the fifteen years above tabulated aggregates, without counting interest, nearly $500,000,000. This would have defrayed all our cost of government, built our railways and left us without a shadow of a national debt. To all this we must add the incalculable cost of citizens slain, labour destroyed, pauperism borne and crime watched, restrained and punished. The wonder is, that, with such terrible waste, our country enjoys any prosperity. If this waste could be made to cease, Canada, in ten years, would not know herself, so prosperous and wealthy would she have grown. Surely it is the part of all good citizens to see to it that such a frightful source of waste and destruction is dried up. Prohibition is the only effectual cure."

## II.

### Laws relating to the Liquor Traffic.

The second subject of inquiry is,—"The measures which have been adopted in this and other countries with a view to lessen, regulate or prohibit the traffic."

The reference is, of course, to legislative measures. It is significant that it is unnecessary conceded that law of some kind is necessary to prevent, or, at least, check "the evils of intemperance;" and that the liquor traffic is everywhere treated as exceptional. No other business is subject to like regulations and restrictions. Te reason for this exceptional legislation is obvious, the traffic is recognized as inimical to the public welfare, it interferes with other business, neutralizes moral and religious influences, is a constant menace to the young, and is more fruitful of pauperism, crime, physical and mental diseases and miseries generally than all other agencies.

*The Different Methods.*—It is unnecessary to more than mention what may be called the free trade method of dealing with the liquor traffic. Your Commissioners came in contact with only one instance of such experiment. That was in Charlottetown, Prince Edward Island. The experiment was short-lived and unsatisfactory. A traffic in liquors as free as is the traffic in other commodities seems so generally repugnant to the moral sense of civilization that its toleration is not thought of.

The different measures which have been adopted in dealing with the traffic may be classified as License law, State control, and Prohibition. The first named includes all symptoms by which efforts are made to centrol the traffic and raise from it a revenue for public purposes, on the plan of giving for a stipulated fee, permission to individuals to carry on the traffic. The second system is that by which the liquor is carried on through special agents appointed by the Government, the profits of the business being appropriated for public uses. The so-called Gothenburg system is essentially a license plan by which companies are given the monopoly of the traffic in ardent spirits on condition of the profits over a certain percentage, being appropriated to public uses. The third or prohibitory plan, consists of law, more or less stringent, aimed at the suppression or prevention of the common traffic in intoxicants.

While a distinction is made between the license laws and prohibitory laws, it must be borne in mind that nearly all license laws are intended to be in a measure prohibitory of certain forms of the liquor traffic, and it is because of these prohibitory features that license laws are called restrictive. It must also be remembered that nearly all the experiments of prohibitory law investigated, have had in them certain permissions of liquor trafficking, so that, to a certain extent, they license the traffic. The amount of restriction and prohibition in different legislative methods of dealing with the liquor traffic, varies very much and is not at all made manifest by the respective names of license and prohibition. This difference and similarity will be better understood after a consideration of the results of the different license and prohibitory systems, which systems may also be more appropriately described in detail in that connection.

*Results of Different Methods.*—The consideration of the results of the different legislative measures brings your Commissioner to the practical inquiry which has occupied much of the time and attention of the Commission.

There is a controversy as to the respective merits of License laws and Prohibitory laws. The views of the parties to this controversy naturally give colour to the opinions expressed by different witnesses. These views may have affected even what these witnesses intended to be statements of fact.

Opinions of thoughtful persons are valuable when they are the result of careful study. It is respectfully submitted, however, that the views of persons financially interested in the liquor traffic are unlikely to have the value just referred to. Such witnesses no doubt could, and in some instances did, give needed information in

regard to the extent and methods of the traffic. But theirs are not the opinions that sound and unbiassed judgment would select as likely to be the most worthy of consideration in reference to the continuance or suppression of the liquor traffic. It is, therefore, your Commissioner feels, to be regretted that it was thought necessary to call as witnesses so many persons connected with the liquor traffic, and that these witnesses should have been put in the position of being asked to express views upon a question which involves their personal and financial interests. Such opinions should not be considered helpful to the Commissioners in enabling them to arrive at proper conclusions.

## LICENSE LAWS.

To license, and thereby seek to limit, the liquor traffic is not, as many may think, a modern idea. Long ago the results of the traffic, as already set out, were observed and led to the imposition of legal restrictions with a view to prevent or lessen the evils. Restriction of the traffic, by the constituted authorities, began as early as the fifteenth century. The *Catholic Family Annual*, for 1892, reprints the following from an official document of 1495 (11 Henry VII., C. 2): "Forasmuch as the Kynge's grace most entirely desyreth among all erthly thynges the prosperity and restfulnesse of this his lande and his subjects of the same to live quietly and surely to the pleasure of God and accordinge to his lawes; it was enacted, *inter alia*, that, yt be lawful to ij of the justices of the peace within theyr authority to reject and put away common ale sellying in townes and places where they shall thynk convenient, and to take suerty of the kepers of ale-houses, of theyr good behaving by the discretion of the sayd justices, and in the same to be advised and agreed at any time of theyr sessions."

From that time to the present there have been regulations, of various degrees of stringency, for the control of the liquor traffic. The tendency of legislation concerning the traffic has for a long time, particularly during the last half century, been steadily towards increased restrictions, with severer penalties for violations of the liquor laws. What has been the effect of these attempts at regulation will be seen further on.

The Commission made a quite careful examination of the license system in operation in Canada, and also visited several states. In Canada the following places, which are under license, were visited: Halifax, St. John, Quebec, Montreal, Toronto, Hamilton, Windsor, Woodstock, London, Peterborough, Brockville, Guelph, Walkerville, Owen Sound, Berlin, Winnipeg, Brandon, Prince Albert, Regina, Calgary, Fort McLeod, Banff, Vancouver, New Westminster, Victoria, Nanaimo; in the United States: Omaha, Lincoln, Stillwater, St. Paul, Minneapolis, Chicago, San Francisco, Los Angeles, Riverside, Pasadena, Kansas City, Mo., and Boston.

The license systems in operation in these places, while differing in minor features, are essentially similar, both in character and effects.

The different licensing systems that have been investigated have in view two objects: (1.) The raising of revenue. (2.) The limitation of the evils of intemperance.

From the standpoint of mere immediate revenue production license laws appear, at first glance, to be successful, that is, they have been an effective method of imposing taxation upon the drink traffic. The drink habit is so prevalent, and the business of selling drink so profitable, that even fairly heavy taxation does not seem to interfere with them. It is true that the traffic entails upon the community heavy expense far in excess of the license revenue. This expense would, no doubt, continue, if the traffic were authorized, even though taxation were not imposed.

It has been supposed that the imposition of very heavy taxation would have, to a certain extent, a prohibitory effect. In very few instances has this expectation been realized. Heavy taxation has proved successful in increasing license revenue. This could not be if it interfered with the conditions and customs which produce that revenue. Within certain limits such taxation is a stimulus to the traffic, impelling those engaged in it to push their business more energetically, and to add to it other attractions. There has also been in many such cases a toleratio of pern-

mitted law-breaking, it being assumed, that men who pay heavily for a privilege should not be too closely circumscribed in the exercise of that privilege.

The other object aimed at has not been attained by license laws. Drunkenness prevails to an alarming extent in every community in which such laws are operative. Prohibition of the sale of liquor on Sundays, on election days, of sale to minors, to Indians, to insane persons and other prohibitions that have been incorporated in license laws, have doubtless been salutory in their operation, wherever enforced.

The fundamental idea of license is, however, permission to sell liquor. Such permission cannot affect the evil results of liquor selling. The authorization of certain individuals to engage in the traffic is a policy that must be considered as altogether distinct from the policy of imposing restrictions upon the persons so authorized.

Many witnesses testified that the effect of legal authorization made the liquor traffic stronger, more respectable, and, therefore, more productive of evil results. It was also clearly shown that, in many cases, restrictions imposed by license laws were so far ignored by the liquor traffic as to make them ineffective. Such laws have, no doubt, strengthened the hold of the liquor traffic upon the community.

It must be admitted, that, as a method of removing the evils of intemperance, all the license systems that have been examined by your Commission are failures.

About the restrictive features of license laws much evidence was heard. The burden of the testimony, as those who read it will see, is to the effect that the volume of the traffic is not lessened, nor its evil results perceptibly dismissed.

It is also shown that licensees, except in very rare instances, persistently disregard the restrictive features of license laws, and that illicit sales by both licensed and unlicensed vendors are general, and do not cause surprise. The evidence in all Canadian license cities visited is strong on these points. Montreal, Canada's largest city, may be quoted in illustration of the general and systematic defiance of the liquor law, both by licensed and unlicensed vendors.

Major E. L. Bond, President of the Citizens' Law and Order League, which was organized in 1888 for the purpose of assisting in the better "enforcement of the law prohibiting the sale of liquor to minors, enforcing the observance of the law regulating the liquor traffic and public morals, and to do that work in concert with the Society for the Prevention of Cruelty to Women and Children and Animals, so far as that cruelty arises out of the liquor traffic," said :—"In all these years they had found the liquor traffic most difficult and lawless. There is only one other evil so lawless and that is the social evil, which is so closely bound up with the liquor traffic that it is almost impossible to separate them."

Mr. W. B. Lambe, Collector of Provincial Revenue for the district of Montreal, said :—"As far as I can judge, there are probably two thousand shebeens, and there may be four thousand altogether, where they sell liquor without license * * They are called candy shops and fruit shops, while they are really decoy shops for assignation, purposes of prostitution and illegal selling."

Information against the unlicensed sellers he said is not often made by licensees, "as there is a sort of freemasonry or *esprit de corps* existing." Besides, the licensees themselves, of whom there are more than a thousand in the city, are regular violators of the prohibitive provisions of the law. He said,—"It (the license law) is a very difficult law to enforce."

Chief Detective Cullen, Montreal, said there is much slackness in the enforcement of the license law. Notwithstanding frequent representations showing the unworthy character of certain licensees, and violations of the law, the authorities contrive to grant licenses to them. In one case over forty complaints against the place and the licensee have been made, and yet the license continues.

Hon. B. A. De Montigny, Recorder of Montreal, said :—"The license law and regulations in regard to the liquor traffic are not well observed." He had at one time believed that an increase of the license fee and a decrease in the number of licensed places would have a beneficial effect, but observation and experience in the court had led him to change his opinion. He said: "High license had been tried. The fee was increased last year, but I do not think that drunkenness has decreased

at all. We have been decreasing their number (the licensed places) for the last couple of years. I was of opinion that the smallest number we could have the better, but now I really do not know."

In Halifax a similar condition of things was found. Mr. John A. MacKasey, license inspector for that city, said:—"They (the licensees) are all law-breakers." And they do not assist in preventing sale in unlicensed places, because, as he said, "they are in nearly the same position as the illicit sellers. They can hardly turn around and accuse them of breaking the law. They are in the power of the illicit sellers; that is to say, they have to go to the illicit sellers to get names to qualify them to get a license. If they do not break the law, the illicit seller will not allow them to get a license, because, without a certain number of names, they cannot get a license. The man who will keep the law has a poorer chance of getting the names than the one who will break the law. I may say that they even threaten the inspector. They terrorize the liquor dealers, who do not care to come to court, because they feel they are in the power of these men."

The records of St. John, Quebec, Hamilton, Winnipeg, Victoria and, generally, of the Canadian license cities and towns visited by the Commission, are substantially the same. Examination of the evidence will discover that in them all is much known illicit sale, and that many, if not all, of the licensees disregard the prohibition of the license laws.

### HIGH LICENSE.

The high-license method of dealing with the liquor traffic has had trial quite extensively.

The distinctive features of the several high license laws are set forth in Vol. VII of the Commission's report. Briefly stated, the idea is to reduce and limit the number of saloons and taverns, to secure a more reputable class of men to carry on the business, and, by rigid regulations as to hours and other conditions of sale, to minimize the evils of the traffic, at the same time making the traffic, by the large license fees imposed, contribute liberally to the public revenues, and so to the care of those who are put into the criminal and dependent classes by the traffic. The licensees are expected, because of the heavy fees they pay for the monopoly of the traffic, to be active in preventing the illicit traffic in liquors.

Advocates of this system claim that it has done all these things, and that it is the only practicable method of dealing with the liquor traffic. Others as strongly contend that the system has failed to effect any change, even declaring that in many respects evil rather than good has been done by it. Which of these contentions is correct will be shown in what follows.

The states in which high license has had the best chance to demonstrate its usefulness, or the opposite, are Massachusetts, Minnesota, Missouri, Pensylvania and Nebraska. To these states attention is generally directed by the friends of the system, it being claimed that their experience proves high license a success. Those opposed to the system also point to the same states, claiming that they prove its failure to perceptibly check the traffic and the resulting evils. In each of these states, except Pennsylvania, the Commission made some inquiry, with what result, in a general way, the evidence and statistical statements accompanying this report will show.

Your Commissioner thinks it necessary at this point to summarize, as concisely as accuracy and clearness will allow, the facts ascertained as to high license and its effects, and the conclusions reached therefrom.

### MASSACHUSETTS.

Massachusetts furnishes an illustration of license and local prohibition. None of the cities or towns under prohibition were visited. The Commission's inquiry was confined to Boston, the chief city. It is under the operations of a license law, and has the full number of licenses allowed by the law—896, being one for each 500

of the population. Two witnesses were examined, Mr. F. S. Pettigrove, Secretary of the Prison Commission, and Mr. A. T. Whiting, Chairman of the Police Commission. Mr. Pettigrove, speaking of the prohibitory law repealed in 1875, said: "My own opinion is that compared with the population there was less drunkenness under the prohibitory law than there has been under the system that has been in vogue since. While it is true that the sale was driven into secret places, it is also true that young men did not have the same opportunity for learning to drink that they have in these more attractive places that we see now and which are the rum shops. We have now what is called the screen law, which provides that everyone going into a saloon and everything done in a saloon shall be seen from the street. Under this law a young man goes along and sees a man whom he respects, a man with whom his father associates, a man who stands high in the community, drinking at a bar, and he steps in to do the same thing, not feeling the same shame as he would if he were obliged to go into a cellar or a back alley to get a drink. In the first place the chances are that the young man would not do that. I think there is less likelihood of his forming the habit if selling was repressed more than it is at present."

Mr. Whiting remembered the prohibitory law and thought it a great failure, causing more drunkenness than he had ever seen, either before or since. He expressed the belief that the present license system works well. Questioned about illicit liquor selling, he said: "There is more or less in a city always. It is the worst evil we have to contend with. As far as the licensed dealers are concerned we have very little trouble with them. Our trouble comes from these illicit places, that is where they sell in dwelling rooms, houses and in kitchens. It is mostly on Sundays that this illicit sale takes place; they will sell one Sunday in one place, and the next Sunday in another place."

The licensed dealers, he said, do not help the police to detect the illicit places. "Once in a while they give information, but as a rule they will not." And some licensed dealers do quite a little business selling to that class of people."

The statement of Chairman Whiting about illicit sales was confirmed by the fact that in less than a week from the time he made the statement that twenty-one illicit liquor saloons, all on one street, were raided by the police in a single day.

So far as official statistics state the facts, the extent of drunkenness in Boston, under high license is shown by the police court records.

In 1893 the total arrests were 46,109, of which 31,642—more than two-thirds—were for drunkenness and disorderly conduct. For every fifteen of the population, one person was arrested for drunkenness, or disorderly conduct resulting from drunkenness.

The fourth of July, three days before the Commission's visit to the city, the papers said, was a day of unprecedented drunkenness. One journal stated that,—"Boston celebrated Independence day by getting drunk. The exhibition was the worst ever seen. Men, women and boys were intoxicated. The exhibition at night was pitiable. The saddest feature was to see so great a number of boys under the influence of liquor."

Your Commissioner could not avoid contrasting the condition thus described with that seen and learned about in Lewiston on the anniversary of the nation's natal day reference to which is made in the section of this report dealing with the State of Maine.

## PENNSYLVANIA.

The high license system of Pennsylvania, known as "The Brooks Law," has been in operation since June, 1888.

The Commission did not visit Pennsylvania, but your Commissioner endeavored to get as full and accurate information as possible of the working and effects of the law.

The first year under the high license system the number of licenses issued in Philadelphia was reduced from 5,773 to 1746. And the arrests for drunkeness that year were 13,087 below the number of the previous year. There was evidently a somewhat rigid enforcement of the restrictive feature of the law. The number of

licenses was kept at the lowest possible, thus limiting the facilities for procuring drink; observance of the prohibitions as to the sale was compelled, and arrests for drunkenness, therefore, were diminished. The large decrease in the number of licenses in the first year of the system, was due, chiefly, to the unusual strictness of the license commissioners. But later, others more pliant were selected to dispense licenses. There has been a steady increase in the number of licensed saloons, with a corresponding increase in the arrests for drunkenness, till the decrease which marked the first year of the system has been practically wiped out.

In 1890 the arrests were 49,148, an increase of 6,000 over 1889, which increases the report of the Police Department says,—"is wholly accounted for by the increase of arrests for intoxication and crimes directly attributable thereto. A great deal of this increase has been incurred through licensing a large number of wholesale liquor dealers and bottlers, who are, in fact, retail dealers."

In 1891 the total arrests were 53,184, an increase of 4,036 over 1890. The arrests for drunkenness and disorderly conduct in 1891 were 24,785, an increase of 124 over the previous year.

In 1892 the total arrests were 52,944, a decrease of 240 below 1891. But while the total arrests show this slight decrease, the arrests for drunkenness and disorderly conduct were 26,194, being 1,409 in excess of arrests for the same cause in 1891.

There were, evidently, during the years quoted many unlicensed places selling liquors, "speak easies" they are called.

The *Public Ledger*, Philadelphia's chief paper, and a staunch supporter of the Brooks law, says that the illicit places "are not interfered with by the licensed dealers, as was expected."

The police have apparently endeavoured to deal with them, but with small success, as the chief of police, in his report for 1891, suggests that "a more stringent law" is needed to "stamp out" the clubs and other illicit places.

Of drunkenness in the city the *Public Ledger*, at Christmas 1893, said: "There never was so much drinking done in Philadelphia, nor so many young men drunk as this year."

The Rev. Charles Roads, Philadelphia, who has for several years been a member of the Executive of the Law and Order Society, writes, April 4th, '94: "The Law and Order Society publish statistics showing a slight decrease in the number of arrests for drunkenness corresponding with the decrease in the number of saloons licensed, but these statistics do not represent a uniform administration. Sometimes the police are very strict, and at other times lax. I have seen far more drunken men lately than five years ago."

In Pittsburg, the second city in size in the state, which is also under the operations of a high license law, there has been a marked increase in the arrests for drunkenness. In 1887 they were 1914; in 1888, 2,113; in 1890, 6,676.

In the state at large there is no evidence of improvement over former conditions. "The laws in the counties always gave large discretion to the licensing judges which is now, as before, used or not used according to personal whim."

Tables based on the United States Internal Revenue Returns, given in another part of this report, show that the amount of liquor consumed in the state, has steadily and rapidly increased without any interruption by high license. And there is evidence to show that the wagon trade and the bottler's business, which minister to drinking in the home, have grown enormously in the past few years.

Mr. H. P. Crowell, who was the manager of the license campaign in the state in 1889, and who still believes that "high license is the only way of practically dealing with the traffic," being asked if the system had reduced the consumption of liquor, said: "No; on the contrary the consumption of liquor has increased. The sale of beer in the city (Philadelphia) has increased 20 per cent the last year, and gradually increased every year since the adoption of the Brooks law. While the number of licensed places has been reduced under high license, unlawful drinking places have increased. At first the officers made an effort to enforce the law, but now it is a farce, and no effort on the part of the authorities to suppress illegal sales is being made."

## MISSOURI.

Evidence heard in Kansas City, the only place in Missouri visited by the Commission, was to the effect that all the prohibitive features of the high license law are continually violated. The observations of the Commissioners confirmed the statements made by witnesses. Sunday selling is without any attempt at concealment; and the number of drunken men and women on the streets was most painful to see.

## MINNESOTA.

In St. Paul and Minneapolis, and probably in Minnesota generally, the high license system has reduced the numder of licensed saloons. But there is nothing to show that it has reduced either the consumption of liquors, the drunkenness or the other results of the traffic.

The Commissioners had an interesting interview with Archbishop Ireland in St. Paul. He talked freely of the evil influence of the saloon, expressing himself strongly in favour of its abolition. Of the saloon as creating disorders, and as a temptation to men who desire to refrain from drink, he said, "I know a great many poor men who do not wish to drink, and who would be glad themselves if the temptation were removed from them, but who admit that in the presence of temptation they are too weak to resist. I know I could obtain 75 per cent of the labourers in their residences to petition to do away with the saloons as a measure of protection."

The evidence as to Sunday liquor selling and other violations of the law was uniform. Chief of Police Garvin, of St. Paul, a most intelligent officer, who is, perhaps, the best witness as to his own city, says the saloons are not closed on Sundays; there is, he said, what is called "wide-open" sale, and everybody knows it. Some of the saloons provide additional attractions on Sundays.

Archbishop Ireland questioned as to whether the Sunday and other violations of the law are because the public sentiment of the city favours them, said the feeling of the city is certainly in favour of the enforcement of Sunday closing and all the other provisions of the law. "If," he added, "the question were left to the honest vote of the people, a great majority of the people of St. Paul would vote for Sunday closing, but the political manœuverers and wire pullers are not in favour of it, and this political public opinion overrules the legitimate public opinion of the city."

It was found that in St. Paul, as in other places, a large number of the licenses are paid by the brewers, they being the real owners, the keepers of the saloons being simply agents. And it was not discovered that the high license fee or the "regulations" of the law had in any perceptible degree interfered with the illicit traffic. The Rev. Martin Mahoney, whose life and work have been amongst the people, declared that high license has not put the traffic into the hands of more reputable and trustworthy men. He said: "I believe it has not been so. There have been men running the business as reckless and indifferent to any moral considerations as ever there were. It was said, too, that the payment of a high license by a certain number of saloon keepers would set them on the watch for others who attempted to sell without license or otherwise broke the laws. I have watched that, and in the last eight or ten years I cannot remember a single case in which a law suit was brought against an unlicensed seller by the licensed parties. It was said also that it would prevent the sale to minors. I have said that it has not prevented the sale on Sundays nor in late hours of the night. But I remember distinctly how, about two or three years after high license was enacted here, one or two saloon keepers were prosecuted, not only for selling to boys, but making them drunk. But after some postponements and legal technical delays, the suit fell through and nothing came of it."

The Chief of Police confirmed this view, saying:—"High license has no effect whatever on illicit sales."

In Minneapolis, which has 285 licensed saloons there are, according to the Mayor's private secretary, "perhaps fifty or sixty which closed on Sunday." There are also, he said, from twenty-five to forty unlicensed places, all of which are as unmindful of days and hours as are the majority of the licensed places.

The mayor, Hon. Mr. Heustis, told the Commissioners that they "do not attempt to enforce the law to the letter." He said:—"If I had issued an order that every saloon must be hermetically sealed on Sunday, I would not have a friend among the saloon-keepers of the city; to-day every saloon-keeper is a friend of the administration, and is attempting to make and keep the business respectable in the city. If a man drinks six days in the week, he is going to drink the seventh day, and you cannot stop it; even if he has to buy it on Saturday night and take it home; if he does not do that, he will get into a saloon Sunday in some way. You have that to fight and then you have the cupidity of the saloon man who desires to sell for gain, those two things working together against the closing of the saloon on Sunday. Now, in order to stop that, you would have to put a policeman at every saloon door, and after you have done that, you must prosecute. They will go in through windows, down into cellars, up into garrets, or any where else to evade the law, and every saloon-keeper will be working against it. You will catch some of them, and when you catch them you will have to bring them into court. You may have thirty or forty to bring up to the police court. That means excitement, wailing and gnashing of teeth; you get the business men against you, and you would not accomplish any wholesome results if you did that. Instead of attempting to close the saloons on Sunday in that drastic way, and bringing up violators, we succeed on Sunday in having everything closed in front. You do not see anything."

Of the arrests for drunkenness and other offences, as of the criminal records generally of the state, it is not possible to make much use.

Gov. Merriam, in a letter to the Commission, says, he "is sure that high license has reduced the number of saloons and the evils resulting from saloons"; but, he adds, the law "has not been in operation long enough to show so marked effect as to enter into our public statistics." Nor does he attach value to any mere comparison of statistics as throwing light on the question. He says:—"A comparison of statistics between different states which have different laws respecting the liquor traffic, as to crime, pauperism, illiteracy and insanity, would have no value, in my opinion, as a guide to the legislation of any country, for the reason that climate, occupation, large centres of population and quality of population enter, perhaps, more largely as factors into the social conditions than the drinking habits of the people. For example, the Scandinavian population, which is very large in this state, furnish a much larger share than their proportion to the insane. They are by no means the most intemperate class."

It was impossible also, to get accurate statistics of the commitments for drunkenness. The secretary of the Board of Corrections and Charities of the state, being applied to for official records of crimes, including commitments for drunkenness, wrote, "There are no statistics of commitments for drunkenness in the common jails." He inclosed "an abstract of the attorney general's summary of reports from county attorneys of cases tried in district and municipal courts," but added, "I think these statistics will be entirely valueless for the reason that they cover only such cases as come under the supervision of the county attorneys, whereas the greater majority of these cases are tried by municipal attorneys, and do not come under the cognizance of county attorneys. These include, also, the most of the cases of drunkenness and violations of liquor licenses."

From the foregoing it is clear that any presentation of Minnesota's criminal record is incomplete, and that to compare it with the fuller record of any other state would be manifestly unfair. Nor does it seem possible to compare any two periods of the state's record, the arrests depending so much on the character of the police administration which varies from year to year.

## NEBRASKA.

Of the Nebraska high license law the boast has been made by its friends that it is the most perfect system of the kind in the world. It came into operation in 1881. In 1890 two constitutional amendments were submitted to the people—one

for prohibition, the other for high license. There were 82,292 votes for the prohibition proposition, and 75,426 votes for the license proposition. Both propositions failed of adoption, the votes against them being, respectively, 111,728 and 91,084. One-fifth of the whole vote against prohibition, being more than two thirds of the majority against it, was polled in the city of Omaha. The Governor of that year was elected by 11,000 votes less than the number polled for the prohibition amendment, and 4,000 less than were polled for the license amendment. But two places in the state were visited by the Commissioners—the two largest cities, Omaha and Lincoln, the latter being the capital. Of the witnesses heard very few denied that the law is violated; some thought the violations are few and trivial; others said they are numerous and flagrant, and that the saloons generally run night and day, regardless of the law. Mr. A. H. Wier, Mayor of Lincoln, said, "They are a lawless set, the saloon men. I do not mean to say entirely so. We have three or four, or possibly five, saloon-keepers here who run their business as well as any man can; but outside of that small number they take advantage of every opportunity to violate the law. In fact, their whole idea seems to be to disobey the law when they think they can with advantage."

Mr. George T. Bemis, Mayor of Omaha, said, "We think it (high license) is the thing. * * * I feel that the open saloon and the open gambling-house is rather ahead of prohibition ideas. * * * My point is to keep vice and crime at its lowest possible ebb, and to do that in a business way, and the best way is to take the middle of the road."

Violations of the law are, evidently, quite general, so much so that an anti-vice association has been organized, one of its purposes being to promote sentiment in favour of the better observance of the prohibitions which the law imposes on licensees. Of this association the mayor told the Commissioners that quite recently it had sent 2,700 petitions to the Police Board, of which he (the mayor) is chairman, in regard to the gambling houses, the social evil and the liquor business. "Of course," he said, "they did not ask us to knock out the saloon business; it was simply in regard to closing the back doors on Sunday, and closing on other days after twelve o'clock."

Mr. Edward Rosewater, editor of the *Omaha Bee*, who is the chief advocate of the high license system, and who conducted the campaign against the prohibition amendment proposed in 1890, said, the prohibition of sale on Sunday is "fairly well" observed, but "where there are 140,000 people you cannot keep these places "hermetically sealed." In his paper, *The Bee*, he characterizes the political influence of saloons under the high license system in the following terms: "No one can deny that the license system as now existing in our city, has been a source of corruption and irregularity. It has had a demoralizing effect upon members of the city council and the city clerk. It has exacted political support from low dives and bummers; it has compelled orderly liquor dealers to support with money and influence the very worst element in the city, and it has used the liquor men to do the dirty work at the primaries and elections."

Another Omaha paper—the *Christian Hour*—makes a similar statement, saying: "It (high license) has sent the saloons more than ever into politics * * * The whole system of license has corrupted our police force and lower courts of justice; they are dens of thieves. Gambling hells are open at twenty-five dollars a month, generally in connection with the tony saloons."

Other witnesses testified that, except in the payment of the large license fees, the liquor traffic does not regard the law, that there is scarcely a saloon that does not violate the law; they put up screens, they sell to minors, during forbidden hours, and on the Sabbath day. The statement as to Sunday selling was confirmed by the fact that on the Sunday the Commissioners were in Omaha a man was nearly murdered in one of the saloons.

There was also much evidence that gambling and prostitution are very general in the cities, and, practically, receive like recognition and authority as the liquor

traffic. The money received from these three sources is appropriated to the support of the public schools.

Gentlemen who were originally amongst the foremost advocates of the Nebraska high-license system, believing at the time that it would restrict the liquor traffic and minimize the evils resulting from it, having become convinced, by experience of the law's operations, that they were mistaken, have publicly declared their mistake, deplored it, and are seeking to remedy the wrong they unwittingly did in endorsing the scheme.

Mr. Hardy, an ex-Mayor of Lincoln, Nebraska, who is known as "the father of high license," discovered in a few years that it did not accomplish what he had hoped and expected, and that it did aggravate the evils of the traffic. After nine years observation of the system he said, in 1890: "There is no longer any excuse for being deceived as we were. The fraud has been tested and found wanting. * * I thought I had done a good thing to reduce the licenses (in Lincoln) from twenty-two to five, but when I found it did not lessen the curse I saw my mistake. There are just as many stabbings, shootings and pounded noses as ever there were; just as many broken homes, crying wives and ragged children. It is no great consolation to a homeless, hungry, crying wife to tell her that her husband got drunk on high license whisky. High license is one of the devil's best devices to deceive good temperance people."

The late Hon. C. B. Slocum presented the law in Nebraska legislature, and was so earnestly its champion that it is known throughout the State as "The Slocum Law." He believed it would produce good results. But he lived long enough to see it tested and to know that it is a failure. In his last illness, speaking of the law, he said,—"I was honest in this matter, but it was the mistake of my life. The law as a temperance measure, is an utter failure. The effect has been a disappointment, increasing the worst evils of the traffic."

The late Hon. J. B. Finch, of Nebraska, whose reputation was more than nation-wide, consented to the system in the hope that it might, at least, lessen the evils of the liquor traffic. After several years of observation he said,—"I know I was terribly mistaken in my theories. Many of the delusions urged in favour of high license have been exploded by the trial of the law."

### LIQUOR CONSUMPTION UNDER HIGH LICENSE.

Having dealt with several high-license states separately, it is necessary, at this point, to group them for the purpose of showing the volume of the liquor traffic, contrasting them with the states in which lower license fees are imposed, and also with the states under prohibition.

For the reasons already stated a comparison of one state with another is likely to be misleading. The same danger is not present in so large degree when groups of states are compared, the differences of police administration and record-keeping ceasing to affect the comparison to the same extent. The result of the comparison of groups while not absolutely accurate is approximately so, and shows the conditions produced by the different systems.

The following table compiled by Mr. C. DeF. Hoxie, from the returns of the United States Internal Revenue Commissioner, for the year ended June 30th, 1887, shows the volume of the liquor traffic in the representative high-license, low-license, and prohibition states. A compilation of the returns of a more recent year would have been made but that a change in the methods of reporting to the Inland Revenue Department, introduced in 1888, makes such compilation practically impossible. The table, given, however, serves as a basis of comparison. It shows that for the year designated, the revenue collected as excise duties on liquors consumed in the high license states was $2.11 per capita, in low license states $1.72 per capita and in prohibition states, $0.34 per capita; indicating a liquor traffic in the high license states considerably in excess of the traffic in the low license states, and

about seven times as great as prohibition states. Following are the details of the comparison together with a summary and, also, an explanatory statement.

VOLUME OF THE LIQUOR TRAFFIC IN THE HIGH LICENSE, LOW LICENSE AND PROHIBITION STATES.

HIGH-LICENSE STATES ($300 TO $1,000).

| | Population 1888. | No. United States Special Tax permits to sell liquors. | Total United States revenue from liquors. |
|---|---|---|---|
| Illinois | 3,437,810 | 12,966 | $ 23,213,673 00 |
| Massachusetts | 2,005,763 | 8,216 | 2,010,647 24 |
| Michigan | 2,078,658 | 7,068 | 634,905 53 |
| Missouri | 3,125,000 | 7,408 | 4,543,415 01 |
| Nebraska | 1,600,000 | 3,627 | 2,305,492 80 |
| Texas | 2,705,967 | 3,889 | 146,228 84 |
| West Virginia | 786,500 | 841 | 306,577 09 |
| Total | 15,739,698 | 44,015 | $ 33,160,939 51 |

LOW-LICENSE STATES (LESS THAN $200).

| | | | |
|---|---|---|---|
| Colorado | 410,000 | 2,361 | $ 196,863 69 |
| Delaware | 150,000 | 709 | 59,310 12 |
| Indiana | 2,400,000 | 6,039 | 4,004,036 05 |
| Kentucky | 1,940,585 | 4,028 | 10,895,551 13 |
| Louisiana | 1,000,000 | 4,987 | 242,110 83 |
| Maryland | 1,336,931 | 6,627 | 1,8 3,596 90 |
| Nevada | 265,500 | 1,024 | 61,671 81 |
| New Jersey | 1,330,000 | 8,441 | 1,927,042 53 |
| New York | 5,709,969 | 35,870 | 9,668,753 58 |
| Peunsylvania | 5,074,527 | 21,779 | 4,840,992 32 |
| Total | 19,617,512 | 91,856 | $ 33,769,928 96 |

PROHIBITION STATES.

| | | | |
|---|---|---|---|
| Iowa | 1,824,840 | 3,978 | $ 1,740,267 63 |
| Kansas | 1,600,000 | 2,247 | 75,637 55 |
| Maine | 660,139 | 1,030 | 20,000 06 |
| New Hampshire | 378,000 | 1,435 | 357,303 08 |
| Rhode Island | 310,000 | 1,246 | 102,175 98 |
| Vermont | 336,000 | 507 | 12,955 16 |
| Arkansas (*a*) | 1,200,000 | 595 | 60,971 76 |
| Florida (*a*) | 375,000 | 326 | 10,735 42 |
| Georgia (*a*) | 2,041,669 | 1,725 | 263,764 98 |
| Tennessee (*a*) | 1,700,000 | 1,640 | 886,742 33 |
| Total | 10,425,668 | 14,739 | $ 3,510,573 65 |

(*a*) Largely under prohibition by local option.

SUMMARY OF THE TABLE.

| | No. of population to one special tax permit. | Liquor revenue per capita. |
|---|---|---|
| High license states | 358 | $ 2 11 |
| Low license states | 214 | 1 72 |
| Prohibition states | 708 | 34 |

The figures in the foregoing do not take into account the large areas of prohibition in several of the high-license states, and the comparatively small areas of license in the partially prohibition states.

It must be remembered, too, that a permit issued to sell liquor in a prohibition state may be a permit to sell for the excepted lawful mechanical and medicinal purposes, and does not necessarily represent an illegal liquor dealer. It may represent merely an attempt to sell liquor, the holder of the permit being in jail for his attempted violation of the prohibitory law.

This table shows that while there were 40 per cent fewer liquor dealers on the basis of population in the high-license than in the low-license states, yet the strength of the liquor traffic in the high license states, as shown by its contribution to the Federal revenue, was 23 per cent greater than in the low license states.

Though the changed system of Inland Revenue reports, by which returns from high license, low license and prohibition states are often grouped, being from a single "collection district," makes it impossible to make a like comparison for the years since 1887, the returns from each state of the annual sales of beer are available. And these returns up to and including 1893, show that the volume of this traffic has steadily increased. The seven States which best represent the high license system are Illinois, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, and Pennsylvania; the license fees in them ranging from $500 to $2,000. The aggregate quantities of malt liquors sold in them each year from 1887 to 1893 are as follows:—

| Year. | Barrels. |
|---|---|
| 1887 | $ 7,182,459 |
| 1888 | 7,903,427 |
| 1889 | 8,083,748 |
| 1890 | 8,592,194 |
| 1891 | 9,871,328 |
| 1892 | 10,376,673 |
| 1893 | 11,534,915 |

The foregoing figures show that high license does not lessen the consumption of liquors, but, instead, increases it. This is, doubtless, one reason why those engaged in the liquor traffic have come to regard the system with such marked favour.

### HIGH LICENSE AND CRIME.

One of the advantages claimed for high license is that it places the saloon and the hotel bar in the hands of a better class of men—men who can be trusted to observe the prohibitions of the system; and that, consequent upon this improved conduct of the traffic, the drunkenness, disorder and other things which are produced by it are greatly reduced. In this respect it is alleged that the system is much superior to that which permits the issue of a larger number of licenses at a lower rate.

There are records which show the result of both systems. A comparison of the police records for 1888 of two groups of cities in the United States—one group under high license, and the other group under low license—has been made. The high license group numbered 41 cities with an aggregate population of 4,775,000; the low license group numbered 38 cities with an aggregate population of 4,857,000. The average license fee in the high license group was $665; the average fee in the low license group was $122. The high license cities had one licensed saloon to every 387 of the population; the low license cities had one to every 144 of the population. The arrests, for all causes, in the high license group averaged one to every thirty-nine of the population; in the other cities the arrests averaged one to every 39·7 of the population—practically the same. But of the total arrests in each group the proportion of arrests for drunkenness and disorderly conduct was larger in the high license cities, in which they were 56 per cent of the whole; while in the low license cities they were 52 per cent of the whole.

To be able to make an exhibit of results at the latest date possible, your Commissioner presents a carefully prepared compilation based on returns of 1893. The table following contains the facts about two groups of cities—a group of thirty-eight high license cities, and one of thirty-nine low license cities. These two groups are contrasted as to the number of saloons, and the arrests for drunkenness and disorderly conduct. The figures of the population, the number of saloons and the amount of license fee, in each case, were furnished by the officials of the cities named. The figures of arrests, and the classification of arrests were obtained either from the printed police reports or were furnished by police officials on application. The table includes all high and low license cities of 25,000 population or over from which it was possible to get returns on all points.

| Cities. | Present estimated population. | Annual license fee for ordinary saloon. | Number of saloons in 1894. | Population to one saloon. | Total number of arrests. | Arrests for drunkenness and disorderly conduct. | Number of population to one arrest for drunkenness and disorderly conduct. |
|---|---|---|---|---|---|---|---|
| *High-License.* | | $ | | | | | |
| Haverhill, Mass | 30,000 | 2,000 | 27 | 1,111 | 2,055 | 1,642 | 18 |
| Taunton, do | 27,000 | 1,700 | 25 | 1,080 | 988 | 765 | 35 |
| Lowell, do | 85,000 | 1,500 | 77 | 1,104 | 5,635 | 4,192 | 20 |
| New Bedford, Mass | 60,000 | 1,500 | 43 | 1,395 | 1,969 | 1,347 | 45 |
| Springfield, do | 50,000 | 1,500 | 44 | 1,135 | 2,451 | 1,730 | 28 |
| Worcester, do | 100,000 | 1,400 | 84 | 1,190 | 5,041 | 3,507 | 28 |
| Fall River, do | 87,000 | 1,300 | 74 | 1,176 | 3,912 | 2,297 | 38 |
| Holyoke, do | 40,000 | 1,300 | 35 | 1,143 | 1,453 | 1,523 | 26 |
| Little Rock, Ark | 35,000 | 1,021 | 50 | 700 | 4,002 | 1,322 | 26 |
| Philadelphia, Pa | a 1,142,653 | 1,000 | b 2,181 | 524 | 57,297 | 28,095 | 46 |
| Boston, Mass | 400,000 | 1,000 | 672 | 714 | 46,109 | 31,642 | 15 |
| Pittsburg, Pa | 230,000 | 1,000 | 310 | 807 | 15,189 | 10,141 | 24 |
| Minneapolis, Minn | 210,000 | 1,000 | 274 | 766 | c 5,490 | c 2,798 | 77c |
| St. Paul, Minn. | 175,000 | 1,000 | 340 | 515 | 5,920 | 2,603 | 67 |
| Omaha, Neb | 150,000 | 1,000 | 219 | 685 | 6,246 | 2,049 | 63 |
| Allegheny, Pa | 115,000 | 1,000 | 140 | 821 | d 3,782 | d 2,624 | 44d |
| Atlanta, Ga | 100,000 | 1,000 | 86 | 1,163 | 12,903 | 8,293 | 12 |
| Duluth, Minn | 70,000 | 1,000 | 108 | 648 | 2,800 | 1,309 | 53 |
| St. Joseph, Mo | 55,000 | 1,000 | 108 | 509 | 2,787 | 1,234 | 45 |
| Kansas City, Mo | 150,000 | 800 | 335 | 448 | 7,817 | 2,218 | 68 |
| St. Louis, do | 500,000 | 600 | 2,000 | 250 | 25,280 | 10,971 | 46 |
| Denver, Col | 150,000 | 600 | 361 | 416 | 7,064 | 2,410 | 62 |
| Los Angeles, Cal | 70,000 | 600 | 163 | 429 | 3,077 | 1,396 | 50 |
| Seattle, Wash | 63,000 | 600 | 170 | 371 | 4,590 | 1,189 | 53 |
| Chicago, Ill | 1,500,000 | 500 | 6,500 | 231 | 89,833 | 51,578 | 29 |
| Detroit, Mich | 250,000 | 500 | 1,194 | 210 | 7,769 | 4,102 | 69 |
| Grand Rapids, Mich | 95,000 | 500 | 191 | 497 | 1,843 | 986 | 96 |
| Scranton, Pa | 90,000 | 500 | 400 | 225 | 1,880 | 1,268 | 71 |
| Reading, Pa | 80,000 | 500 | 150 | 533 | 1,395 | 1,349 | 59 |
| Hartford, Conn | 60,000 | 500 | 175 | 343 | 5,119 | 3,825 | 15 |
| Saginaw, Mich | 55,000 | 500 | 220 | 225 | 2,163 | 1,036 | 53 |
| Tacoma, Wash | 55,000 | 500 | 110 | 550 | 2,893 | 789 | 69 |
| Peoria, Ill | 50,000 | 500 | 170 | 294 | 1,964 | 1,250 | 40 |
| Altoona, Pa | 40,000 | 500 | 27 | 1,481 | e 1,680 | e 870 | 46e |
| Quincy, Ill | 36,000 | 500 | 145 | 252 | 1,201 | 752 | 48 |
| Bay City, Mich | 35,000 | 500 | 160 | 219 | 1,140 | 669 | 52 |
| Pawtucket, R. I | 30,000 | 500 | 150 | 200 | 1,737 | 1,175 | 26 |
| Allentown, Pa | 30,000 | 500 | 63 | 476 | 360 | 212 | 141 |
| *Low-License Cities.* | | | | | | | |
| Washington, D.C | 265,000 | 400 | 619 | 428 | 27,245 | 11,348 | 23 |
| Providence, R.I | 150,000 | 400 | 403 | 372 | 7,105 | 4,999 | 30 |
| New Haven, Conn | 92,500 | 400 | 399 | 232 | 6,541 | 3,770 | 25 |
| Portland, Or | 90,000 | 400 | 290 | 310 | 4,619 | 1,862 | 48 |
| Oakland, Cal | 55,000 | 400 | 200 | 275 | 3,210 | 1,614 | 34 |

| Cities. | Present estimated population. | Annual license fee for ordinary saloon. | Number of saloons in 1894. | Population to one saloon. | Total number of arrests. | Arrests for drunkenness and disorderly conduct. | Number of population to one arrest for drunkenness and disorderly conduct. |
|---|---|---|---|---|---|---|---|
| *Low-License Cities*—Con. | | $ | | | | | |
| Chattanooga, Tenn. | 40,000 | 400 | 75 | 533 | 3,071 | 1,194 | 33 |
| Waterbury, Conn. | 36,000 | 400 | 162 | 222 | 1,619 | 932 | 38 |
| Wilmington, Del. | 70,000 | 300 | 200 | 350 | 4,019 | 2,437 | 29 |
| Sacramento, Cal. | 35,000 | 300 | 200 | 175 | 2,670 | 929 | 37 |
| Baltimore, Md. | 500,000 | 250 | 2,100 | 238 | 31,363 | 17,091 | 29 |
| Cincinnatti, O. | 340,000 | 250 | 2,250 | 151 | 18,633 | 5,532 | 61 |
| Newark, N.J. | 330,000 | 250 | 1,800 | 183 | 9,368 | 5,405 | 61 |
| Cleveland, O. | 215,000 | 250 | 1,295 | 166 | 6,605 | 3,222 | 67 |
| Jersey City, N.J. | 190,000 | 250 | 1,100 | 173 | 5,081 | 555 | 342 |
| Toledo, O. | 110,000 | 250 | 658 | 167 | 3,352 | 1,747 | 63 |
| Columbus, O. | 110,000 | 250 | 400 | 275 | 5,367 | 1,879 | 59 |
| Paterson, N.J. | 90,000 | 250 | 540 | 167 | 2,402 | 1,906 | 47 |
| Trenton, N.J. | 63,000 | 250 | 363 | 173 | 2,343 | 1,324 | 47 |
| Hoboken, N.J. | 50,000 | 250 | 335 | 149 | 3,077 | 722 | 69 |
| Springfield, O. | 40,000 | 250 | 143 | 280 | 1,500 | 440 | 91 |
| Canton, O. | 30,000 | 250 | 124 | 242 | 1,023 | 587 | 51 |
| New York, N.Y. | 1,890,000 | 200 | 7,320 | 258 | 86,488 | 46,007 | 41 |
| Milwaukee, Wis. | 265,000 | 200 | 1,600 | 166 | 6,219 | 4,530 | 59 |
| Savannah, Ga. | 55,000 | 200 | 280 | 196 | 3,485 | 1,511 | 36 |
| Richmond, Va. | 90,000 | 175 | 310 | 290 | 6,070 | 2,564 | 34 |
| Louisville, Ky. | 180,000 | 150 | 950 | 189 | 7,079 | 3,696 | 49 |
| Syracuse, N.Y. | 100,000 | 150 | 555 | 180 | 4,917 | 1,469 | 68 |
| Norfolk, Va. | 45,000 | 150 | 175 | 257 | 4,581 | 1,755 | 26 |
| Buffalo, N.Y. | 320,000 | 125 | 2,512 | 127 | 19,062 | 9,308 | 34 |
| Brooklyn, N.Y. | 1,000,000 | 100 | 3,805 | 263 | 40,349 | 24,119 | 41 |
| New Orleans, La. | 250,000 | 100 | 1,200 | 208 | 23,228 | 12,236 | 20 |
| Covington, Ky. | 45,500 | 100 | 200 | 228 | 1,400 | 921 | 49 |
| Fort Wayne, Ind. | 40,000 | 100 | 180 | 222 | 1,356 | 991 | 40 |
| Auburn, N.Y. | 28,000 | 100 | 116 | 241 | 1,158 | 617 | 45 |
| Binghampton. | 40,000 | 85 | 109 | 367 | 1,179 | 750 | 53 |
| San Francisco, Cal. | 320,000 | 84 | 3,800 | 84 | 26,982 | 16,038 | 20 |
| Albany, N.Y. | 100,000 | 60 | 850 | 118 | 2,506 | 1,390 | 72 |
| Elmira, N.Y. | 35,000 | 55 | 260 | 135 | 1,808 | 919 | 38 |
| Long Island City. | 45,000 | 50 | 321 | 140 | 1,661 | 391 | 115 |

SUMMARY.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 38 high license cities | 6,600,653 | 2,000 to 500 | 17,581 | 375 | 354,834 | 197,068 | 33·5 |
| 39 low do | 7,750,000 | 400 to 50 | 39,199 | 203 | 389,741 | 196,805 | 39·4 |

*a* Municipal census, 1892. *b* Including 541 wholesale liquor houses. *c* The number convicted only. *d* Includes 14 months. *e* Nine months only.

The foregoing table shows that notwithstanding the larger population and the greater number of saloons in the low license-cities, the arrests for drunkenness and disorderly conduct in the high-license cities are considerably in excess of those in the low-license group. Of the total arrests in the low license cities 50 per cent were for drunkenness; while of the total arrests in the high-license cities drunkenness is charged with 55 per cent. In the low license group on person in every 39 of the population was arrested for drunkenness; and in the high license group one in every 33. It would seem from these records that high licenses has not been more effective in lessening drunkenness than in reducing the consumption of liquors.

## THE SOCIAL EVIL AND GAMBLING.

Reference has been made, incidentally, to the fact that the social evil finds ready toleration and encouragement in high-license cities. It is, perhaps, not seriously questioned that the unfortunate inmates of houses of ill-fame are addicted to drink.

In his "History of Prostitution," Dr. Sanger, as the result of extended and careful inquiry, says: "Our decided impression is that not one per cent of the prostitutes of New York practice their calling without partaking of intoxicating liquors." Replies to inquiries addressed by Dr. Sanger to a large number of these unfortunate women and girls revealed the fact that nearly all, by their own confession, drink "moderately," "intemperately" or were "habitual drunkards." One is quoted as saying, "No girls could lead the life we do without gin." Another said, "If we did not drink we could not stand the memory of what we have been, or the thought of what we are, for a day."

That houses of prostitution are more or less closely related to the liquor traffic is also apparent. The *Wine and Spirit Gazette* of New York, in its issue of June 18, 1891, referring to a new law of Ohio forbidding the sale of liquors in houses of ill-fame, which had gone into effect only a month before, said: "The importers of champagne in this city (New York) are beginning to feel the loss of business in Ohio. Piper Heidsick representatives in Cincinnati claim that the enforcement of the law in the cities of Ohio will cost them $40,000 annually. Mumm Co's representatives estimate their loss at $30.000; importers of Pomery Sec claim that they will lose $60,000, and other importers will suffer proportionate losses. The local brewers also feel the effect of the new law."

This statement by the representative journal of the traffic establishes two things—(1) the part the liquor traffic plays in the social evil, and (2) that prohibition of the sale of liquor is quickly and seriously felt by the traffic.

Gambling also, is, admittedly, closely connected with the liquor traffic. Much gambling is done in saloons. When gambling resorts are distinct from saloons, bars are always adjuncts of such places.

Evidence heard, facts collected, and observation made have convinced your Commissioner that the social evil and gambling are especially flagrant in high license communities. The logical outcome of deriving large revenues in license fees from the liquor traffic is the demand made, and practically conceded, that prostitution and gambling be, also, licensed. In Omaha and other places in which the high license system is in operation, gambling is practically recognized as a legitimate business by the payment of a monthly fee (nominally a fine) into the city treasury. Gambling resorts, the Mayor said, "run openly." And there are gambling facilities in connection with the licensed laloons.

The social evil is recognized and authorized in the same way. Once a month the wretched women who live by sin pay a fee, and are not interfered with so long as they make payments promptly. Many thousands of dollars are received by the city, annually, for the authorization of these two evils. The effect of all this is to obliterate moral distinctions and to debauch the public conscience. Rev. B. Fay Mills, an eminent religious teacher and leader, after spending several weeks in Omaha, said in a public meeting: "I have been in nearly every city in the United States, but nowhere have I found vice so open and without shame upon its countenance as in this promising city of yours. Nowhere have I seen the gambling hells run so openly and defiantly as here. Licensed by the city to carry on their damnable work, they run openly and without fear of molestation. Nowhere have I seen the social evil so prominent. Acres of your fair city are set apart for the propagation of this evil, and beautiful and costly buildings are erected for no other purpose than to be used as houses of ill-fame. There is no other city in the United States that will compare with yours in open temples of depravity."

And what is true of Omaha is true, in more or less, of all cities under high license. Whenever large sums are received from the liquor traffic there is a tendency to deal with other evils on the same plan—making them resources of revenue.

*Attitude of the Traffic.*—The attitude of the liquor traffic toward high license is, at least, suggestive. When the scheme was projected many of the men engaged in the traffic regarded it with suspicion, denounced it, and in some instances resisted its enforcement to the extent of going into the courts to test its validity. But they have come to regard it with marked favor as the best friend of the traffic. *Bonfort's Wine and Spirit Circular*, which voices the feeling of the traffic, referring to the Brooks law, says:—"Increase of the license fee in Pennsylvania from $500 to $1,000 will be the best investment the liquor interest has ever made."

On the same subject the *Wine and Spirit Gazette* says,—"It must be admitted that the Philadelphia liquors, whose stores are at present bonanzas, favour the increase of the annual license fee to $2,000. The higher the fee the better their chance of crowding the little fellows out of the business, and creating a monopoly by which a few will make large fortunes."

The President of the Liquor Dealers' Protective League, says,—"The true policy for the trade to pursue is to advocate as high a license as they can in justice afford to pay, because the money thus raised tends to relieve all owners of property from taxation, and keeps the treasuries of the towns and cities pretty well filled. This catches the ordinary tax payer." Asked whether high license is a step towards prohibition he said, "theoretically it is, but practically it is not."

Mr. Peter Iler is the leading distiller in Nebraska. He is extensively interested in the retail trade. After several years experience of the high license system he gives it his warmest approval because of the great advantages it confers upon the traffic. The following extracts from a letter, written by him for the information and guidance of liquor dealers in another State, tell why he and the men of the traffic generally favour high license: "High license has not hurt our business, but, on the contrary, has been a great benefit to it * * * I believe somewhat that high license acts as a bar against prohibition. It is especially so in this state, as the tax from the license goes towards supporting the schools, thereby relieving the citizens of just so much tax that they would otherwise have to pay * * * It also gives the business more of a tone and legal standing, and places it in the hands of a better class of people.

"I do not think high license lessens the quantity of liquor used. I believe, if it were put to a vote of the liquor dealers and saloon men whether it should be high license, low license or no license, they would almost unanimously be for high license. I cannot see how any one who has anything at stake can help but favour high license and enforcing the law strictly.

"I would be in favour of high license rather than trust to the non-enforcement of the law under prohibition. We have had a great deal of business in Iowa, both before it was prohibition and since, and we can positively say that there is very little satisfaction in doing business in that state now. Ever so often the goods are seized, and it causes a great deal of delay and trouble to get them released; and then there is a fear of not getting money for the goods, and all the forms we have to go through, make it a very annoying business. It is like running a railroad under ground. You don't know where you are going or what is ahead. In all my experience of ten years in Ohio before the temperance movement, and twenty years experience here (Nebraska), previous to high license and since, I believe that high license is one of the grandest laws for the liquor traffic."

Evidence given before the Commission agrees with the foregoing statements. All the men connected with the liquor traffic who were heard, expressed themselves in favour of license, the majority favouring high license, and as strongly opposed to any other system. It is significant that those whose business interests are exclusively in the liquor traffic, and whose hopes of gain are based wholly on the prosperity of the traffic, are the strongest supporters of a high license system.

*Lawlessness of the Traffic.*—Your Commissioner does not wish to be understood as saying that all licensees are especially hostile to law. There are, doubtless, some men—perhaps many—engaged in the traffic who would much prefer to observe the legal restrictions relating to their business, and some of them seek to do so.

The temptations to disregard these restrictions are, however, so many and so strong that personal interest and a desire to gratify customers are nearly always arrayed against the law, and in the great majority of cases override it.

This investigation has made it sufficiently clear that the enforcement of license laws is attended with as great, and even greater, difficulties than those which attend the enforcement of prohibitory laws. Given authority to sell on certain days, within certain hours, to certain persons, licensees, with few exceptions, sell on all days, at all hours, to all persons, only observing the restrictive features of the law as they are watched and compelled. The Commission could not fail to be impressed by the testimony of many well-informed witnesses, including not a few connected with the traffic, as to the lawless character of the liquor traffic generally. It was made clear that the restrictive provisions of license systems are not generally well enforced, and that in some instances no attempt is made to enforce them.

Violations are systematic and persistent, often they are flagrant, and though well known to the authorities are not interfered with. Evidence given by the Chief of Police of St. Paul, by the Mayor of Minneapolis, by Archbishop Ireland, already quoted, together with the evidence of officials and others in nearly every licensed city visited, shows that licensees pay but small attention to the requirements of the license laws.

In many high license cities, as in Montreal, it has been necessary to organize Law and Order Leagues, and other associations of citizens to aid in compelling obedience to the laws. And these leagues, while succeeding in a degree, have always found the traffic "most difficult and lawless." Resistance to the proper enforcement of liquor laws, either prohibitory or restrictive, has not infrequently gone to the extent of outrage and violence against those who desired their enforcement.

It has been stated by some witnesses that prohibitory laws are productive of perjury. The evidence of thoughtful persons, and all the facts ascertained go to show that this crime, instead of being the product of any law, pertains particularly to the liquor traffic, whether licensed or illicit, and is so often committed, both by violators of license laws and by others in their behalf, that it causes but little surprise or comment. Chief Justice Armour, of Ontario, in evidence given before the Commission in Toronto, said: "It has been my experience, both at the bar and on the bench * * * * that it is impossible to get people to tell the truth about what they have been drinking. * * * * I think in license cases where a man is selling in prohibited hours this difficulty is especially great."

*Conclusions.*—The examination of the workings of the several license systems in operation in this country and in the United States, a careful analysis of the evidence heard, and a due weighing of all the facts ascertained, have led your Commissioners to the following conclusions:—

1. That nowhere has there been found a license system which really regulates the liquor traffic.

2. That the restrictive features of license laws have not produced the results claimed for them; that when, in isolated cases, there may have been signs of improvement for a time, resulting from a temporary rigid enforcement of the prohibitions of the laws, the improvement has been of short duration; and that continuous rigid enforcement of restrictions has been prevented by the obstructive influence of the licensed traffic.

3. That everywhere the regulative and prohibitive features of license laws are habitually and, generally, flagrantly violated by licensees; that licensees do not, as a rule, interfere with illicit liquor sellers, but often supply them with liquor; and that interference with illicit selling, by officers or others, is infrequent and ineffective.

4. That license laws, whether the fees be high, medium or low, do not reduce the volume of the liquor traffic, lessen the number of its victims, nor diminish the miseries and desolations which it produces.

5. That high license has not demonstrated its superiority to low license in respect of reducing the volume of the liquor traffic, nor in lessening the drunkenness and the disorders traceable to drink; instead, under high license, there has been an increase in the consumption of liquors, and a corresponding increase in drunkenness and related evils.

6. That high license sees have not made easier the enforcement of restrictive regulations of license laws; that the restrictive and prohibitive features of the laws could be better enforced if no license fees were imposed.

7. That high license has made the saloon appear important, without changing its character, except to make it more attractive and therefore more dangerous.

8. That high license has created and nurtured a sentiment in favour of the saloon as a source of large revenue, making officers and the public chary of interfering with its violations of law.

9. That high license has had a bad effect on the moral sense of communities, corrupting the public conscience; that the large fees paid have the effect of a bribe to the people to tolerate the saloon in the false belief that the burden of taxation is thereby lightened; and that gambling and prostitution are fostered and made sources of public revenue.

10. That the revenues from license, however large, do not offset the financial burdens imposed on communities by the fruits of the liquor traffic; and that even if it could be shown that the license revenues are greatly in excess of the loss and expenditure entailed by the liquor traffic, the viciousness of the principle would not, in any degree, be mitigated.

11. That high license, instead of lessening the influence of the liquor traffic, has increased it in all its branches, giving it the maximum of power; and that the system is favoured by the traffic because of this increase of power, which it uses in its own interests regardless of the public welfare, in the endeavour to dominate the administration of municipal and national affairs.

12. That in view of the fact that, after centuries of license legislation in Great Britain, and in the United States and Canada from the earliest period in the history of these countries, the liquor traffic, with all its attendant evils is still strong and defiant, steadily producing and perpetuating the deplorable things and conditions set forth in this report, and this in spite of the numerous regulations and limitations embodied in license laws, it is impossible for your Commissioner to reach any other conclusion than that as a remedy for, or even a check to the evils of the liquor traffic license laws of every kind have been a stupendous failure.

## THE GOTHENBURG AND BERGEN SYSTEMS.

What is known as the Gothenburg system of dealing with the liquor traffic has engaged some public attention lately.

The Bishop of Chester is the leader in a movement to introduce it into England, and a commission appointed by the Governor of Massachusetts in 1893, reported a bill for that state embodying the principal features of the system, consideration of which, however, has been deferred.

The system gets its name from the city of Gothenburg, the Swedish city in which it was inaugurated. The Bergen system which is an adaptation of the Gothenburg, with some changes, which are claimed to be improvements, is in operation in Norway. It takes its name from the Norwegian city which first adopted the system.

The principal difference between these two systems is in the appropriation of the surplus profits of the liquor traffic carried on under them. By the Gothenburg (Swedish) system the profits go to the municipal treasury to be used in public improvements. By the Bergen (Norwegian) system the profits are applied to charitable institutions, benevolent societies and other organizations, including even temperance societies, which are for the public benefit, and which depend entirely upon voluntary contributions for support.

Particular merits are claimed for each system. But, as a matter of fact, the surplus ultimately reaches practically the same destinations in both countries.

The general principle and the plan of operation of the systems being the same they may be considered as one. The description which follows and the facts stated may be applied to both, except where otherwise stated.

The system is briefly described thus: The municipal council is the licensing authority, and fixes the number of licenses required to meet what are regarded as the reasonable requirements of the public. Instead of issuing the licenses to private licensees, to traffic for their own profit, the council grants a monopoly of the licenses to a society of shareholders formed for the purpose of acquiring them, and who undertake to conduct the traffic in the public interest. The shareholders are excluded from making any profit beyond a preferential interest of five per cent per annum on the paid up capital of the society, and the annual surplus is paid into the municipal treasury.

The monopoly of the licenses is granted for a few years at a time, at the will and pleasure of the municipal council, and the council retains full control over the operation of the society. The society's articles of incorporation, bye-laws and regulations, are all subject to the approval of the municipal council; and after being approved by that body must also be submitted for the royal sanction and seal.

*What Led To It.*—Before dealing with the working and effects of the system, it seems necessary, in order to a clear understanding of it and the reasons for it, to set out, as briefly as possible, the history of liquor traffic legislation in Norway and Sweden.

Sweden had prohibition of the manufacture, and even of the use of spirits as early as the sixteenth century, and with intermissions, most of the time till 1774, and with good results. Gustavus III., following the example of Russia, decided to procure a revenue from spirits. In 1774 he established "Crown" stills; and in 1787 "Leasehold" stills, which were followed in 1809 by "Domestic" stills. Distilleries multiplied rapidly, till in 1834 when there were 170,000 of them, and 45,000,000 gallons of spirits were consumed annually.

Drunkenness, crime, pauperism, every species of misery, every form of degradation and demoralization abounded. "The effect," said a gentleman who made a tour of Sweden, "was fearful national drunkenness, beyond the excess of other nations, and the whole country may be said to have been deluged with spirits. The physical aspect of the people was wretchedly deteriorated, and the criminal calendar is said to have been without a parallel in modern history." The economic condition into which the peasantry had been brought has been thus described: "The rickety, decayed condition of the grey, watersoaked wooden houses, unpainted and unrepaired, and the disorder of every kind in the house-yards, give the impression of thriftless and reckless poverty."

This appalling condition caused so much alarm that efforts were made to check the traffic which was responsible for it. The king became anxious, and encouraged the formation of temperance societies. For twenty years temperance work was carried on with much zeal, some of the leading men of the country being indefatigable in their efforts to deliver the people from the bondage into which they had fallen. Though they contended against great odds, the numerous distilleries antagonizing them at every step, considerable progress was made in creating a public sentiment against the manufacture of and traffic in liquors. But notwithstanding the progress made, the country was still in a deplorable condition, as may be judged from the report of a special committee of the Diet, in 1854, which said:—"The researches of the philosopher and the honest feelings of the ordinary man have led us to the conclusion: that the comfort of the Swedish people—even their existence as an enlightened, industrious and loyal people—is at stake, unless means can be found to check the evil. Seldom, if ever, has a conviction so generally, so unequivocally been pronounced with regard to the necessity of vigorous measures against the physical, economical and moral ruin with which the immoderate use of spirits threatens the nation. A cry burst forth from the hearts of the people appeal-

ing to all who have influence, a prayer for deliverance from a scourge which previous legislation has planted and nourished."

In 1855 an Act was passed abolishing domestic stills, and giving the parochial authorities the right to fix, each year, the number of spirit shops and public houses. The immediate effect of the law was to greatly reduce the number of distilleries, and the annual product of spirits fell at once to about one fourth the quantity before produced.

Norway had an experience very similar. Norway was separated from Denmark, and united with Sweden in 1814. Under Danish dominion distillation had been prohibited in Norway. In 1814, therefore, there was scarcely a distillery in the country. The Government had, also, prohibited the importation into Norway of all distilled spirits, except those shipped from Denmark. The consumption of spirits in Norway was at that time (1814) about one-half gallon per capita of the population. Immediately on the union with Sweden all the restrictions on distilling were revoked, and two years later a policy of free trade was inaugurated. This was done, in accordance with the then prevailing ideas of political economy, to help the agricultural population. Stills sprang up everywhere; in 1833 they numbered 9,727, and the annual consumption of liquors had reached 4 gallons per capita-eight times as much as it had been 19 years before. The appalling effects of drink becoming apparent, the National Parliament, in 1842, passed an Act prohibiting the making, importing and selling of spirits; but the King vetoed the Act. A heavy tax, however, was put upon distilleries, reducing the number of the smaller ones.

In 1845 a Temperance Crusade was started (it did not at first make any opposition to beer and wine), which has gone on with increasing power ever since.

The laws referred to (that of 1855 in Sweden, and that of 1845 in Norway) were the foundati n of all the subsequent legislation relating to the liquor traffic. Amending Acts, more restrictive of licenses and finally granting local option, followed, such being more or less effective in limiting the traffic. Legislation kept pace with the temperance agitation, the results demonstrating that law promotes sobriety and the accompanying physical, economic and moral improvements, in exact ratio to its prohibitive power.

Notwithstanding the restrictions attached to license, the condition of things in the towns continued so bad, compared with the improvements which had been effected in the country (in a considerable portion of which no licenses were issued), that the conviction became strong that something must be done to remedy existing evils.

The municipal council of Gothenburg, in 1865, appointed a committee to examine into the cause of pauperism. That committee reported that the greatest evil from which the people suffered was excessive drinking. The report said:—"The worst enemy of the morals and well being of the working classes in this community is brandy. Yet it is not the intoxicating liquor only and its moderate consumption which causes demoralization and poverty; it is the disorder, evil example, temptations, and opportunities for every kind of iniquity with which public house life abounds, that contribute mainly to this unhappy state of things. Neither local enactments nor police surveillance can do much so long as public houses are in the hands of private individuals who find their profit in encouraging intemperance without regard for age or youth, rich or poor."

*The System Adopted.*—The committee recommended, as a remedy for the existing evils, that the right to sell brandy and other alcoholic liquors be transferred to a company, organized under the license law of 1855, all the surplus profits to be expended for the benefit of the working classes. The recommendation was adopted, a company was organized, and in October of that year (1865) commenced operations.

It should be said at this point a system similar to the Gothenburg system had been adopted as early as 1850 at Falun, and a little later at Jönköping, but they were comparatively small experiments and did not attract general attention.

The system was not introduced into Norway till 1871, the first place to adopt it being Christiansand.

The main features of the system have already been stated. It needs only to be added that the regulations governing the conduct of the liquor business by the bolag (company) require that the men in charge of the drink shops shall receive salaries and have no interest in the profits of the traffic; that the premises shall be kept clean, well lighted and comfortable; that all the sales shall be for cash; that no sale be made to an intoxicated person or minor under 18 years of age; that the shops be kept open from 7.30 a.m., to 8 p.m.. in winter, and from 7.30 a.m,, till 9 p.m., in summer, and on Sundays and holidays from 1.30 to 3 and 6.30 to 8 p.m. In Norway the shops are closed on Sundays.

For thirty years this system has been in operation in Gothenburg, and in other places for shorter periods,

The claim of its friends and advocates is that it has (1) reduced the consumption of liquors, (2) lessened drunkenness and other evils which result from drink, (3) that it is financially advantageous to the community, and (4) has promoted the public welfare generally.

For evidence, either in support or refutation of these claims, your Commissioners not having visited Sweden or Norway, have to depend entirely upon official documents and reports and the statements of gentlemen who have made special examination into the workings of the system. Among the reports which have come into the hands of your Commission are:—"The Gothenburg system of the liquor traffic," 1893, prepared by Dr. E. R. L. Gould, under the direction of Hon. Carrol D. Wright, Commissioner of Labour in the United States; the Report of a commission appointed by the Governor of Massachusetts in 1893: "Local Option in Norway, with an account of the establishment and working of the society for retailing ardent spirits in Bergen," 1891, by Thomas M. Wilson, C.E.; "The Gothenburg and Bergen Public House system," 1893, by James White, Secretary of the United Kingdom Alliance; and "Report on the Gothenburg system regulating the sale of liquors in Norway," 1893, by Consul General Michell, to the Earl of Rosebery, and presented to both Houses of Parliament by command of Her Majesty.

These reports contain much valuable information; and in what follows they are freely quoted.

### CONSUMPTION OF SPIRITS.

The average annual consumption of spirituous liquors in Sweden, according to a table arranged in five-year periods by Dr. Gould, is as follows :—

| Periods. | Quarts per Inhabitant. |
|---|---|
| 1866 to 1870 | 9·40 |
| 1871 to 1875 | 12·47 |
| 1876 to 1880 | 10·67 |
| 1881 to 1885 | 8·66 |
| 1886 to 1890 | 7·42 |

The above computation is made on the uniform basis of 50 per cent alcohol.

There appears according to the foregoing statement to have been a decrease in the consumption of spirits in the country as a whole, in 24 years, of about two quarts per head, though the average for all the periods is slightly above that of the first period. There is no explanation of the increase in the second and third periods.

Before crediting the decrease wholly to the Gothenburg system, it may be well to see whether the decrease in the city of Gothenburg corresponds with the decrease in the country at large. Dr. Gould not having made such a comparison, nor given tables from which it can easily and accurately be made, figures used by Mr. Whyte may be taken. He is dealing with statements made by Sir F. R. Plunkett. The latter gentleman wrote, in October, 1890, of Gothenburg: "In the year 1876, however, a change set in, and the last fourteen years have been marked by a steady diminution in the consumption of spirits per head of the population, in the convic-

tions for drunkenness in proportion to the population, and in the number of cases of delirium tremens." He gives figures in support of his statement that the consumption of spirits had fallen off more than one-third from 1876 to 1890.

Mr. Whyte says:—"These figures are held to settle the matter; but, as it happens, they do not. To begin with, they do not represent the actual consumption of spirits in Gothenburg, but only the quantity disposed of by the bolag (company) itself. They do not include any portion of the very great quantity of spirits disposed of by the twenty-three wine merchants, who in 1890 paid the bolag (company), solely for the privilege of selling spirits by retail, the large sum of 60,900 kronor (about $17,000), or at the rate of about £147 each. Neither do they register the sales of spirits by the five important concerns holding permanent licenses. Hence, obviously, a large proportion of the spirits consumed in Gothenburg is not brought into Sir F. R. Plunkett's reckoning at all, and a grave misconception as to the effect of the Gothenburg system in Gothenburg has been the result." * * *

"But we can come closer to the point. It is a very noteworthy fact that the decrease in the consumption of spirits in Gothenburg and in Stockholm since 1876, has been considerably less in proportion than the decrease in Sweden as a whole. For the entire country for 1877, the quantity of spirits consumed was 54,512,962 litres; while in 1890, in spite of the growth of the population in the interim, it was only 23,303,342. How stands the system in the light of this remarkable fact? Are we to conclude that in Gothenburg and Stockholm it has retarded the progress which these cities ought to have enjoyed in common with the country as a whole? But, to go a step further, Sir F. R. Plunkett's figures, as has already been shown, do not register the quantity of spirits consumed in Gothenburg, but only the quantity disposed of by the bolag, and it can, I think, be pretty clearly made out that a much larger proportion of the spirit sold in Gothenburg now reaches the public through the hands of the wine and spirit merchants, than was formerly the case; and if this is so, a much smaller reduction in the consumption of spirits per head of the population than is generally believed, has taken place. What are the facts? In 1876 there were 45 places in which liquor supplied by the bolag was sold, and there were then in existence only thirteen establishments of wine and spirit merchants who sold spirits not obtained from the bolag, and of which no account was kept by it. But in 1890 there were 23 places kept by wine and spirit merchants who obtained their liquors from other source than the bolag, who in that year had forty-six establishments for the sale of liquor. Twenty-three is a much larger number in relation to forty-six, than thirteen is to forty-five. Further, it is chiefly through the agency of the wine and spirit merchants that what are called "superior spirits" (really mainly imported spirits) find their way to the public in Gothenburg; and the importation of these has enormously increased since 1876. In that year the quantity of spirits imported was exceedingly small as compared with the importation of to-day, while more foreign spirits were disposed of by the bolag at that time than are disposed of by it to-day. These facts mean that there is a much larger quantity of foreign spirits sold now than formerly, and that of what is sold a very much larger proportion passes through the hands of the wine merchants than used to be the case. Hence the conclusion seems inevitable that today a very much larger proportion of spirits consumed in Gothenburg is unregistered by the bolag, than was the case in 1876; and that at present a far larger quantity is consumed than the bolag's and Sir F. R. Plunkett's figures show.

It is made to appear in the foregoing that there is a large and evidently increasing sale in places other than those established by the company, part of them being supplied by the company, and part of them having permanent licenses independent of the company—and that of these large sales no account is taken in some, if not all, of the estimates which show a reduced consumption of liquors.

In Norway, as in Sweden, there has been a decrease in the consumption of spirits in the country, as a whole, in the last twenty-five years. It is noticeable, however, that all the decreases which has occurred under the company's system

was between 1871 and 1878. There has been practically no diminution since 1879, as the following table, from Dr. Gould's report, shows:—

| | |
|---|---|
| 1879 | 3·4 |
| 1880 | 4·1 |
| 1881 | 3·2 |
| 1882 | 4·0 |
| 1883 | 3.5 |
| 1884 | 3·7 |
| 1885 | 3·7 |
| 1886 | 3 2 |
| 1887 | 3·0 |
| 1888 | 3·2 |
| 1889 | 3·4 |
| 1890 | 3·3 |

Consul General Michell, in his report to Lord Roseberry, says:—"The drink bill of Norway has, in fact, oscillated, as in Great Britain, with the earnings of the lower classes, irrespective of any perceptible philanthropic influence on the part of the association for the sale of spirits." * * * "Both the estimate of the total consumption and the returns of the sales of the association show that the consumption of spirits in Norway reached a minimum in 1887, but that subsequently it has exhibited a remarkable increase."

While in the country, as a whole, the consumption did not change in the twelve years from 1879 to 1890, the consumption in Bergen, which is under the company system, increased from 3·84 quarts per capita in 1879, to 4·66 quarts per capita in 1890. In Christiania, which has been under the system since 1885, there has also been an increased consumption of spirits, from 2·22 quarts per capita in 1886 to 2·69 quarts per capita in 1892. It would appear from the foregoing figures that there has been a decreased consumption in the country districts and small towns, in many of which no sale of liquor is legalized, and an increased consumption in the cities and other places which have the company system.

Mr. Whyte compares the consumption of spirits in Gothenburg with the consumption in Sweden as a whole, and also with the consumption in England. Making liberal allowance for the quantity purchased in Gothenburg to be taken out of the city, the comparison shows that the quantity sold by the company alone in Gothenburg is twice as much per head as is consumed by the people of Sweden as a whole, and two and one-half times as much as is used per head by the population of England. If the spirits sold in Gothenburg, outside the company shops, are considered, "the total consumption of spirits per head of the population of Gothenberg is 3·73 gallons, and that is just about equivalent to the alcoholic total of all the intoxicating liquors used per head of the population of the United Kingdom."

### BEER CONSUMPTION.

The foregoing figures and comparisons do not take any account of the malt liquors and wine used in Gothenburg and in other places which have adopted the system.

All the authorities agree that there has been a great increase in the consumption of beer. According to a table in the report of the Massachusetts' Commission the quantity of beer used in Sweden has more than doubled since the introduction of the Gothenburg system; in 1865 the quantity was 12·3 quarts per capita, in 1890 it was 28·2 quarts per capita. And this estimate the report says, is "a trifle too low."

In Norway, also, the increased use of malt liquor has been very marked. In 1871, when the company system was first adopted in Norway, the beer consumption was 16·9 quarts per capita; in 1891, it was 31·2 quarts per capita—nearly double.

The same report says that "unquestionably the free traffic in beer undoes much of the good accomplished by the company." This, however, is not quite clear, as applied to Norway where the companies have control in part at least of the bar trade in beer as well as of the brandy trade.

DRUNKENNESS.

The arrests for drunkenness in Sweden have increased the last twenty years. In 1874 the arrests were 3·7 per thousand of the population; in 1891 they were 5·3 per thousand. This increase is attributed by some to the better policing of the towns.

For the same period the arrests in Gothenburg increased. In 1874 there were 38 per thousand of the population; in 1891 they were 44 per thousand. In 1865, in the autumn of which year the company system went into effect, the arrests were 45 per thousand of the population; in 1891, after twenty-six years of its operation, the arrests were 44 per thousand, practically no reduction.

A reduction in the number of arrests for drunkenness began several years before the inauguration of the Gotheuberg system, due doubtless, in part at least, to the earnest temperance agitation carried on at that time. Between 1856 and 1865 in Gothenburg city, they had fallen from 80 per thousand to 45 per thousand. Under the company system the change has been so slight and fluctuating that the arrests are the same as when the company system began.

Stockholm's record of public drunkenness, put in five year periods, shows the following:—

| Years. | Per 1,000 Population. |
|---|---|
| 1856–60 | 21·6 |
| 1861–65 | 17·3 |
| 1866–70 | 12·6 |
| 1871–75 | 20·3 |
| 1876–80 | 37·5 |
| 1881–85 | 32·2 |
| 1885–90 | 33·1 |

The company system was introduced in 1887, which makes it difficult to account for the large percentage of arrests in the five years 1876-80, four of which were under the operation of the system. The four preceding periods show a much lower ratio of arrests. The last two show a slight diminution, though both are considerably higher than the periods preceding the adoption of the company system.

The public drunkenness record of Bergen, comparing 1877 with 1889, shows a decrease. The company began operations in 1877, the next year the arrests were 130 less. With some fluctuations they remained nearly the same, with a slight downward tendency, till 1889. But in 1890 and 1891 there was a startling increase, the number of arrests in each year being greater than in any previous year of the company system's existence.

It has been stated, in the explanation of the increase, that tourist travel and Bergen's greater importance as a seaport account for it. It is also stated that at the beginning of 1890 a new chief of police took office who conceived it his duty to more rigorously enforce the law against drunkenness. Previously only those who were disorderly were arrested; the new chief directed the arrest of all who were found drunk on the streets. The increase of arrests in the first year, under this rule, was 400. It would seem from this that in previous years there was a great deal of public drunkenness which did not get into the police record. The records, therefore, of 1890 and 1891 are probably more nearly the records of the actual drunkenness of the city than are the records of the years when there was lax enforcement of the law against drunkenness.

It may be noted here that the police in 1892 were required by the authorities to be less particular about arresting drunken people, and to arrest only the disorderly. The result was that in that year the arrests were over 300 less than in 1891.

Mr. Reginald Mortimer, Sec. of the County Brewers Society of England, who visited Gothenburg in 1893, is authority for the statement that the police of that city have no power to arrest for drunkenness, unless it be accompanied by violent or disorderly conduct.

In Christiania, Norway, in 1876, the arrests for drunkenness were 66·4 per thousand of the population; and they had fallen to 33·5 per thousand in 1884. In 1885 the Gothenburg system was introduced. The arrests that year were 37·7 per thousand. In 1886 they fell to 25·6. In 1887 they began to increase. The following table shows the steady increase since:

| Year. | Per thousand population. |
|---|---|
| 1886 | 25·6 |
| 1887 | 28·3 |
| 1888 | 40·6 |
| 1889 | 41·2 |
| 1890 | 51·9 |
| 1891 | 72·5 |
| 1892 | 72·0 |

Mr. Whyte records an interview with the chief of police of Gothenburg, in which he got the chief's explanation of the increased drunkenness. "He (the chief of police) did not hesitate one moment, but at once said: 'Oh, it's the beer. It's the malt liquor. Far more beer is now being used, and much stronger than was the case formerly. The people drink spirits, and then drink beer and stout, and become drunk. He further stated that the "off" beer shops—and every shopkeeper can sell beer for consumption off the premises—were doing a vast amount of harm, more particularly amongst women and boys—and that drunkenness, all of it from beer, was now showing itself amongst women. It had not gone so far, he added, as to bring any considerable number of women into the hands of the police; indeed, out of the total number of convictions for drunkenness, of 4,624 for 1892, only about 100 were convictions of women. But he expressed a fear that there was a good deal of sotting among women at their homes—not much when compared with the intemperance among men—but a great deal more than there used to be; and he felt that the most painful thing about it was that it was fast getting worse. He added that the beer shops which did the most mischief amongst women and boys, were the small provision shops where beer was sold. Another cause of the recent marked increase of drunkenness on which he laid a great deal of stress—and this has a very direct bearing on the question of the use of the bolag's figures in the foreign office report—was the great extension of the trade of the wine and spirit merchants in cheap foreign spirits which he said were now being used more than formerly by the working classes and were causing much drunkenness."

The report of the Massachusetts Commission also mentions the increase of drinking amongst women, which is attributed to the use of malt liquors in their homes.

*Comparisons*—Mr. Whyte compares Gothenburg and Cardiff, England, as to the arrests for drunkenness. They are both seaports. Cardiff, in 1890, had a population of 128,000, and 620 convictions for drunkenness; Gothenburg, with a population of 104,000, and 4,010 convictions.

Comparison might be made with almost any Canadian city. St. John, N.B., has a population of 40,385, and in 1891 its arrests for drunkenness were 1,030; in the same year Gothenburg with 104,000 population has 4,624 arrests.

Sweden, as a whole, has 5·3 arrests for drunkenness per thousand of the population; Canada has 2·6 per thousand.

*Pauperism in Sweden*—Dr. Gould, in his report, remarks that "in considering the question of pauperism and its relation to any system for regulating the traffic in strong drink, it is very difficult to formulate precise judgment." Your Commissioners have found this difficulty in prosecuting their enquiries in Canada and elsewhere.

"A great many disturbing factors may come in, two of the most important of which, in dealing with the question locally at least, are, first, the rapid growth of cities and the consequent flocking of unskilled labour to them, and secondly, the progress in public conscience of conceptions of duty in relation to public assistance."

Having in mind these considerations, Dr. Gould presents the following table of pauperism in Sweden. It is in five year periods, beginning with 1810:

| Year. | Males. | Females. | Total. | Per cent of Population. |
|---|---|---|---|---|
| 1810 | 26,669 | 54,192 | 80,861 | 3·40 |
| 1815 | 28,730 | 57,279 | 86,009 | 3·49 |
| 1820 | 29,106 | 58,606 | 87,712 | 3·39 |
| 1825 | 33,358 | 74,546 | 107,904 | 3·89 |
| 1830 | 37,869 | 79,983 | 117,852 | 4·08 |
| 1835 | 41,322 | 79,996 | 121,318 | 4·01 |
| 1840 | 31,801 | 62,393 | 94,194 | 3·00 |
| 1845 | 33,332 | 64,826 | 98,158 | 2·96 |
| 1850 | 44,221 | 79,592 | 123,813 | 3·56 |
| 1855 | 53,730 | 89,321 | 143,051 | 3·93 |
| 1860 | ..... | ..... | 132,982 | 3·45 |
| 1865 | 55,989 | 91,899 | 147,788 | 3·59 |
| 1870 | 80,666 | 123,712 | 204,378 | 4·90 |
| 1875 | ..... | ..... | 193,793 | 4·42 |
| 1880 | ..... | ..... | 219,532 | 4·81 |
| 1885 | ..... | ..... | 221,911 | 4·74 |
| 1890 | ..... | ..... | 241,113 | 5·04 |

It will be noticed that the increase from 1810 to 1865 (55 years) was very trifling, being only 0·19 per cent; while the increase from 1865 to 1890 (25 years), the period covered by the Gothenburg system, was 1·45 per cent.

The statistics of Norway's pauperism, Dr. Gould says, do not give a satisfactory basis of judgment. But so far as they are available they show an increase, ranging from 67 per thousand of the population in 1877, to 86 per thousand in 1886.

### ILLICIT TRAFFIC.

It is evident that there is more or less illicit traffic in liquors. Consul General Michell says of Norway: "There certainly seems to be much need of more efficient control on the part of the excise, in regard, more especially, to the wide spread illicit traffic in spirits. It is now a very general habit among the yeoman farmers to club together in the purchase of a keg or cask of spirits and of cases of beer, to be promptly distributed in the neighbourhood for consumption at home.

"This practice is held to be a violation of the law, but it is one that is not easily detected, since the partners in such a transaction are not likely to turn informers. Moreover, it is an open secret that the restrictions as to the supply of spirits are very generally evaded."

Mr. H. E. Berner, of Christiania, who has made a very thorough study of the causes of the decline in sobriety during recent years, says: "The country highways, even at a considerable distance from towns, fairly swarm with so called beer wagons, these rolling saloons, from which bottles also are sold, the contents of which do not correspond exactly with the labels."

And it would seem that the companies controlling the spirits traffic are not always careful to observe the provisions of the law nor their own regulations. At least, the managers of the companies' drink shops are not so particular as they are supposed to be. Mr. Whyte says: "They have not been able to get their servants to so conduct the drink business as to prevent the amount of drunkenness, in connection with their public houses, from being about as great as that which occurs in ordinary liquor shops in this country. I question if as great an amount of intoxication can be seen amongst the ordinary visitors to an average English public house, as is to be witnessed amongst the customers of the bolag in their establishments. I visited a number of these places alone, and saw in them a number of persons who were intoxicated. I subsequently visited them in the company of the British Consul. In one place we found about fifteen men of the labouring class. One of them

was having a cup of tea at a side seat. The rest were drinking Swedish brandy. After looking round, the Consul said to me: 'Several of these men, you see, are not sober.' 'Drunk,' I replied. He nodded and said: 'Yes, drunk.' 'It seems to be a question of degree,' I remarked, 'and evidently the people in charge here don't draw the line where we think it ought to be drawn. But there is a fellow drunk enough for anything,' indicating one of the company, 'will he get more?' While I was speaking, the man shuffled up to the counter, laid down his money, and off his 'two cubic inches' at one gulp."

This statement gets some confirmation in the fact that of those arrested in 1891 for drunkenness, 1197 said they got their last drinks at the bars of the company.

### ABUSES OF THE SYSTEM.

That the motive of the promoters of the Gothenburg system was good is generally acknowledged. The members of the company which secured the monopoly set about carrying out their purpose in good faith. They were not believers in prohibition of the liquor traffic. They thought the people ought to be able to get liquor such as they desired, and they undertook to provide the facilities free from what they regarded the objectionable and dangerous features of the traffic. They reduced the number of drink shops, and placed those remaining in charge of men whose salaries did not depend on the amount of business done. And they hoped and expected that great improvement would be effected. Whether there has been real improvement—and, if any, the degree of it—are questions on which there are widely different opinions.

They were, of course, not averse to making a fair profit out of their investment. And this was provided for in the guarantee of five per cent. That this was a good investment, as investments go in Norway, and was an inducement to establish other companies, is stated by Consul-General Michell thus: "In the first place, a preferential payment of five per cent on the shares of the association is an exceedingly strong inducement for promoting the prosperity and extension of the associations."

The shares have never fallen below par, and they have sometimes sold at a good premium. They would be always at a premium, but that the right is reserved to the municipalities to buy up at par, within a certain number of years, all the shares of an association.

The Consul-General further says: "The best government securities (loans) and the bonds of the Land Mortgage Bank of Norway do not yield a higher rate of interest than three per cent to four per cent. Their value is at the same time liable to be swayed by a variety of circumstances. The financial credit of governments, as well as of land mortgage banks, comes and goes, but as drink is likely to go on forever,—to an extent, at least, that cannot fail to give its vendors a benefit of five per cent on invested capital, it is not surprising to find that all the towns in Norway have been eager, if only from that point of view, to avail themselves of the advantages afforded by the Gothenburg system."

Besides getting the assured five per cent, the shareholders have the chief voice in determining the disposal of the surplus profits; in this they are guided by their own discretion or interests.

Municipalities become deeply interested, not always from philanthropic motives, but with an eye to the amount the treasury may get from the liquor-selling companies. And they are gradually insisting on more control of the companies for revenue purposes. Dr. Gould cites, in illustration, a case which occurred not long ago in Bergen: "The city fathers insisted that the local brandy company should grant a large subsidy to a theatre; the proposition was declined. Accordingly, the council threatened to refuse a monopoly of the licenses at the expiration of the period, and declared its intention of pursuing the business on its own account. The home department was appealed to, and it promptly refused its sanction. A compromise was reached, by which a larger share in the committee of management, which controls the distribution of profits, was conceded to the council, on condition that it did not attempt in the future to interfere with the company's monopoly. This instance illustrates a tendency which seems to be growing in Norway, for the

municipalities to get a firmer hold on the disposition of the surplus. An analysis of the objects of public utility favoured will show that those which should most properly be a municipal charge have received the principal aid."

Instances like the following, in which the company disregarded the law and its own regulations, may have been frequent, but it illustrates the tendency of the system: "A company on the Sognefjord in Norway was always accustomed to close its bar-rooms and retail shops when the fishermen came home after successful catches. It so happened that a physician desired an appropriation for a hospital in which he was particularly interested. He laid the matter before the committee of management, but learned from them that their resources were not sufficient to carry out the object he had at heart. Accordingly the proposition was made to the committee that the custom of closing the saloons and shops at the time just mentioned should be abrogated for a year or two. The suggestion was carried into practice, and the result was that the extra revenue derived from the sale of liquor during these periods brought sufficient to enable the committee to award a liberal sum to the object of public utility in which the philanthropic doctor was interested."

The incident does more than illustrate the ease with which a liquor-selling company could adapt itself to a demand. It illustrates, also, the effectiveness of prohibition as practised prior to the demand for aid to the hospital; it illustrates the fact that the expenditure of a community for liquors is according to the facilitates for liquor selling; and it is a lucid illustration of the iniquity of the system which deliberately presents temptations to an admittedly weak people for the sole purpose of extracting their money, with regard to the effect it was sure to have, and did have, upon them and their families. And that this can be done in the name of philanthropy but accentuates the baseness of it all.

The Massachusetts Commissioners point out that abuses of various kinds arise. Companies often have a larger capital stock than needed, for the sake of dividends; directors allow themselves large salaries, and rent premises for drink shops at exorbitant prices; they submit licenses for large prices, permitting the licensees to purchase their liquors wherever they choose; in one instance all licenses were transferred, for a consideration, to firms or private dealers; in another, one man secured the sole control of the traffic; employees instead of simply receiving salaries, have in some instances, paid for the privilege of having sole control of their shops and selling liquors at such prices as they chose to fix; in other cases they have been permitted to sell at an advance on the company's prices, the increase being a bonus to them; and in still other cases they have, besides their salaries, been given a percentage on sales, as an inducement to push business. These are but samples. There is, evidently, much looseness of management, which is increasing year by year, caused entirely by the growing desire for larger profits.

However unselfish the intention of the originators of the Gothenburg system, there is much reason to believe that, as at present managed, it is simply a profitable monopoly of the liquor traffic in which the shareholders in the companies, the municipalities and the central government participates.

Consul General Michell says:—"It may boldly be asserted that the original purely philanthropic object of the associations (considered collectively) has been gradually departed from, and that the old licensed victualler, often under circumstances of great hardship, has been replaced throughout the greater part of the country by hundreds of holders of 5 per cent shares, by administrators politically and otherwise interested in the distribution of larger and larger surpluses from the sale of spirits, and by municipalities well content to improve and embellish their towns without recourse to direct communal taxation for those purposes."

*Local Prohibition.*—That the effect of the Gothenburg system is not promotive of temperance is quite apparent. Mr. H. E. Berner, already quoted, says:—"More attacks on its (the temperance cause) supposed exaggerations are seen in the press than defences of its sound and beneficial principles. The gospel of pleasure is preached in the most modern literature, and is paid homage to in leading circles, into which, as a consequence, temperance, economy and frugality in habits have long since been regarded as things of the past."

There is, however, a growing sentiment in favour of prohibition, and this sentiment has expressed itself in the adoption of local prohibition in many places.

In Norway one-fifth, and in Sweden less than one-fifth of the population have adopted the Gothenburg system. In many of the country districts, including small towns, local prohibition is in operation and with good effect. The decreased consumption of liquors in Norway and Sweden, and the smaller number of arrests for drunkenness may be attributed to the measure of prohibition which prevails in both countries rather than to the Gothenburg system. This is made sufficiently clear by the statistics of consumption and of arrests, and also by an examination of the statements of the profits of the liquor selling companies. In the towns of Sweden the profits of the companies have steadily increased from $1,476,094 in 1881 to $1,813,446 in 1890. The same is true of Norway. Showing that where prohibition more prevails the traffic has fallen off.

The movement for national prohibition is, it is claimed, gaining strength. Prohibition societies have been organized all over the country, and many men prominent in church and state are identified with the movement.

*Other Witnesses.*—Captain Frederick Waldemar Hooslep and Mr. Alex. Gustafson were among the witnesses who gave evidence before your Commission. Captain Hooslep is a Norwegian. He said the Samlag (the name by which the liquor-selling company is known in Norway) has been a great benefit to his country. There has, he said, been a great improvement in the drinking habits of the people since he was a boy, and this he attributed in a great measure to the company system. He said: "If you ever should go to Norway and see what the surplus has done to the benefit of the towns, you will say it is wonderful. In Bergen there are roads and parks and everything constructed out of what we call brandy money. It has been all done from liquor money." There is prohibition, he said, in the country districts and some small towns. How it works is illustrated in an incident of his personal experience. He said: "I was in Hardanger Fjord; there are large hotels, and I noticed that I could not get a glass of grog if I bought the whole hotel; and there were three or four large hotels—large tourist hotels—in every place, and it was impossible to get a glass of grog. That is in the country."

Mr. Gustafson is a Swede. He said the Gothenburg system was undoubtedly adopted with the purest motives. At first, the business resulted in a remarkable reduction in drunkenness and the crimes which come from drink. But all that has changed, and now there is a marked increase in all the bad effects of the liquor traffic. He said: "As the idea has prevailed for years that purity of liquor must be secured, it was natural that these companies should try to get as pure liquor as possible, and as they were corporately responsible for the purity of their liquor, they became refining companies themselves; so that at present they buy up raw liquors, and treat them in their own refineries, thereby practically establishing themselves permanently as refiners in order to justify themselves before the public. The returns of the criminal calendar are comparatively small. Now, we have this provision. In the first place these companies are either private companies, which have got from the municipality the right of controling the liquor business, or else it is a municipality itself, and in most cases the power is in the hands of municipal 'rings,' resulting in the most outrageous corruption. These municipal 'rings,' brandy 'rings' and refining 'rings' take on an average from 25 to 35 per cent for refining the people's liquor, and that is a considerable profit on all the liquors sold in a large community. In order to retain themselves in power the municipal government must be able to show the people that they have reduced drunkenness and drink crimes to a great extent; hence, as they are themselves the municipal power, the policeman does not dare to arrest anyone who gets drunk, and the judge does not dare to convict anyone brought before him. I have walked in the streets of Gothenburg at 10 o'clock in the morning and met five men drunk, so drunk that they could hardly walk straight, holding one another by the arm, insulting decent women, and the policeman had turned his back, because he would not retain his position if he did not. The statistics show that drunkenness is on the increase in both Sweden and Norway. And the statistics do not show as badly as they are. I

remember when I was at the Temperance Congress at Christiana, the minister of instruction made a very favourable showing to the congress of the result of the Bergen system at Christiania; but the night previous I had been to the police commissioners and obtained the official statistics as to drunkenness for the last six years, and they showed that if every man, woman and child in Christiania had been arrested once, that would cover, and only cover, the number of arrests for drunkenness."

Rev. Dr. Buckley, editor of the New York *Christian Advocate*, made a careful personal investigation into the system. He says: "It does not stop the abuse of liquor. We saw drunkenness in Gothenburg; saw ten men not far from mid-day on Sunday staggering about. In other places in Sweden its fundamental plan of 'no profit so any one' has been departed from. The towns have urged the company to press the business in view of the revenue." The conclusion to be reached is that "the Gothenburg system sheds little light on the problem of suppressing intemperance in other parts of the world."

The *St. James Gazette*, London, says: "No scheme for the perfecting of the human race in the matter of drink looks more beautiful upon paper than the Gothenburg system; but when it comes to be examined by the light of facts and experience, the results, as we have frequently had occasion to point out, are not quite so satisfactory. * * * * The profits on the regulated traffic pay partly for road making, education, museums, hospitals, asylums and many other of the equipments of the state. But the shareholders get a certain five per cent on their investments, and the shares are frequently above par. The companies push their business as though they were enterprising brewers. It is not surprising, therefore, to learn that there is a steady upward rise in drunkenness. The most tangible result of the system seems to be that the state is largely 'run' upon the profits of drink."

An article in a Swedish newspaper, the *Forposten*, Gothenburg, March 17, 1894, contains this paragraph: "It is a sorrowful fact that not only men but women and half grown boys indulge in strong drinks, and in Gothenburg one may meet more intoxicated persons than in most other civilized communities." Thereafter were cited figures, showing that Gothenburg has the unenviable honour of being called the "city of saloons."

In Stockholm, the capital of Sweden, the death rate from the use of alcohol is said to be 90 in a thousand—being the highest death rate from that cause of any city in the world.

The latest investigation of the system was made by the *London Times*, which sent a representative to make a study of it. He reported that drunkenness is increasing. He had never seen so much drunkenness in an English town on a Saturday night, as he saw in Gothenburg. Last year, he says, in Gothenburg out of 1,273 admissions to the general hospital, 104 were cases of disease directly caused by excessive drinking, and 2,871 separate individuals were fined for drunkenness. He reluctantly confesses his belief that making the public houses more comfortable does not seem to conduce to sobriety. A marked increase has recently shown itself in female drunkenness, chiefly from porter, and school teachers complain of a growing tendency to drink among young lads.

It is due to the Gothenburg System to say that many opinions favourable to it have been expressed, and that many persons, sincerely desirous of promoting temperance and sobriety, think it capable of reducing the evils of the drink traffic to a minimum. To all such opinions, and the arguments put forward in support of them, full and candid consideration has been given. But, while acknowledging the benefits which resulted in the early years of the system from lessening the number of places for the sale of liquors, your commissioner is compelled to conclude that, as with every system which gives any legal authority to the drink traffic and makes it a source of revenue to the community, the tendency has been, on the part of the traffic, to disregard restrictions, and, on the part of the community, to tolerate its evils for the sake of its contributions to the public treasury.

CONCLUSIONS.

From such examination of the Gothenburg System as your Commissioner has has been able to make, without actual personal observation, the following conclusions are arrived at:—

1. The system originated in a desire to reform the character of the liquor traffic, and reduce the evils resulting from it.

2. The motive of the originators of the system was doubtless good.

3. In the earlier years of the system there was a reduction in the number of persons arrested for drunkenness.

4. Such benefits as resulted from the system were such as result from lessening facilities for getting intoxicating liquor.

5. Such benefits are not now apparent. Drunkenness and the other evils of the liquor traffic have increased in late years.

6. Whatever permanent improvement has taken place in the last quarter of a century has been in spite of, rather than because of, the Gothenburg System, and is mainly attributable to the strong temperance agitation, and to the prohibition of the liquor traffic which is in operation over areas of the country containing about four-fifths of the population.

7. The original purpose of the system has, largely, been lost sight of. Intended to save the liquor traffic from the dangerous features supposed to arise out of the greed of individual licenses, it has degenerated into a system to encourage and satisfy the greed of shareholders scattered all over the country. It also appeals to the cupidity of municipal authorities and to that large class, found in every community, who think they see in the revenues derived from the traffic a relief from taxation.

8. The respectability and the fiscal importance given the liquor traffic by the system make the traffic greatly more dangerous to the moral sense of the community, and seriously interefere with moral reform.

9. Canada, in which the consumption of liquors and the record of public drunkennesss and crimes resulting from drink, are much lower than in Norway and Sweden has nothing to gain by the adoption of the Gothenburg system; and has nothing to learn from it, except that no system of liceuse, by whatever name called, or conducted under whatever auspices, interferes permanently with the liquor traffic, or diminishes its inevitable evils.

## BEER AND LIGHT WINES.

Some attention has been given to the question of the freer use of beer and light wines. Many who deplore the prevalent intemperance, and are concerned for the promotion of temperance, believe that the encouragement of the use of the milder intoxicants would accomplish the desired end. Several witnesses who gave evidence before the Commission put forward the idea that the freer use of wines and malt liquors would have a good effect, diminishing the use of stronger liquors, and so promoting temperance amongst the people. They suggested that it would be well to make the sale of wine and beer practically free, placing duties practically prohibitive on the stronger drinks. France and Germany have been cited as wine and beer drinking countries, notable for sobriety. Some witnesses, who had visited these countries, testified that they saw little or no drunkenness in either country.

So far as it has been possible your Commissioner has investigated this phase of the liquor traffic question, with the results following:—

Dr. Albert Day, for many years Superintendent of the Washington Home for Inebriates, Boston, Mass., says:—"I have treated nearly 7,000 cases of inebriety, and eight-tenths of that number originated form wine and malt liquors."

The *Scientific American* is authority for the following:—"The use of beer produces a species of degeneration of all the organism, profound and deceptive. Fatty deposits, diminished circulation, conditions of congestion, perversion of functional activities, local inflammation of both the liver and the kidneys are constantly present.

Intellectually a stupor amounting almost to paralysis arrests the reason, changing all the higher faculties into mere animalism, sensual, selfish, sluggish, varied only with paroxysms of anger that are senseless and brutal. In appearance the beer drinker may be the picture of health, but in reality he is most incapable of resisting disease. A slight injury, a severe cold, or shock to the body or mind, will commonly provoke acute disease, ending fatally. Compared with inebriates who use the different kinds of alcohol, he is more incurable, more generally diseased. The constant use of beer every day gives the system no recuperation, but steadily lowers the vital forces. It is our observation that beer drinking in this country produces the very lowest forms of inebriety, closely allied to criminal insanity. The most dangerous class of tramps and ruffians in our large cities are beer drinkers."

The *Pacific Medical Journal* makes the statement that the hereditary evils of beer drinking exceed those which result from the use of distilled spirits. Reasons are given for this opinion, thus:—"First, because the habit is constant and without paroxysmal interruptions which admit of some recuperation; second, because beer drinking is practised by both sexes more generally than spirit drinking; and third, because the animalizing tendency of the habit is more uniformly developed, thus authorizing the presumption that the vicious results are more generally transmitted."

This judgment of an influential medical journal is weighty, and may well cause such beer drinkers as have regard for themselves and their posterity to hesitate about further indulgence of so dangerous a habit.

Evidence given before the Commission by Dr. Arnott, of London, Ontario, is in agreement with the medical opinions quoted. He said:—"I lived in a little village where I knew everybody, and the beer drinkers of that place are all dead long ago, every one with Bright's disease, with the exception of one man, and he has had Bright's disease for ten years and has had three stokes of paralysis. He is a mere wreck, a helpless cripple."

In investigating the Gothenburg system it was discovered that much of the evils which result from drink in Norway and Sweden is being attributed to the excessive and increasing use of malt liquors. Dr. Gould's report says:—"Formerly the drinking of beer was considered a distinct temperance reform. Everything was done to encourage its consumption. Its sale at retail was left free from tax or special requirements." But, he adds, from all sides testimony comes of the evil influences arising from the growing consumption of beer.

The Masachusetts Commissioners say:—"That the inordinate consumption of beer in Norway and Sweden, which has almost doubled per inhabitant in 20 years, is not only a serious evil, but all authorities agree on its being the principal cause of drunkenness yet prevalent in the towns."

And Consul General Michell adds his testimony in these terms:—"It is doubtful * * * * whether the consumption of potent ale is not more injurious to the workingman than the use of spirits in moderation. The alcoholism produced by the consumption of beer in large quantities is more stupefying and durable in its effects than that which proceeds from the drinking of drams, especially in a cold climate."

Wine and beer are not, as many have believed, and as some still believe, temperance drinks. Mr. Azel Gustafson, author of "The World's Drink Problem," says:—"The two continental countries drinking the lightest wines and beers, France and Belgium, are the most drunken."

Judge White, Pittsburgh, Pa., makes this statement: "From thirteen years' experience in the criminal court I am thoroughly convinced there are far more evils resulting from the use of beer in this country than from whisky. The liquor traffic in this country has become a most gigantic evil. From my experience at the bar and on the bench I believe it is the cause, directly or indirectly, of four-fifths of all the crime, poverty and misery in our midst. The license fees received by the county do not equal the expense incurred in the prosecution of criminals and the support of the poor."

Rev. Dr. Lathern, editor of the *Wesleyan*, Halifax, N.S., told the Commission that in the north of England, where he spent his early life, it was believed that beer

drinking was more brutalizing in its effects than the drinking of spirits. "The worst effects of drinking, the most brutalizing effects I have ever seen, have arisen from the drinking of beer in the north of England."

## GERMANY.

The advocates of beer drinking have been in the habit of pointing to Germany as a particularly sober country, which has been in no way injured by the general and very large use of its favourite beverage.

And yet the drink question has become an important one in the political economy of that country. Prof. Schmoller, of Berlin, an able political economist, thus writes: "Among our working people the conditions of domestic life, of education, of prosperity, of progress or degradation are all dependent on the proportion of income which flows down the father's throat. The whole condition of our lower and middle classes—one may, even without exaggeration, say the future of our nation—depends on this question. If it is true that half our paupers become so through drink it gives us some estimate of the costly burden which we tolerate. No other of our vices bears comparison to this."

A German military critic, commenting upon the unsatisfactory condition of a detachment of reserves suddenly called out for the autumn manœuvers (1892), and attributing their poor condition and absolute incapacity for vigorous drill to their inactive, beer-drinking habit of life, said: "Unless Germany redeems herself from the saloon, she will look in vain for competent defenders when the test of war is to be met. A man cannot rise from his *kneipe* and fight well for his fatherland." It has been estimated that the military efficiency of the German army has been depreciated 15 per cent on account of the beer-drinking habits of the German soldiers.

One of the latest utterances is that of Mr. Brendell, in March, 1894, before the Anthropological Society of Munich. Among other things he said: "Germany spends at present 2,500,000,000 marks annually for alcoholic beverages (about $625,000,000). Although large quantities of beverages were drunk formerly, still only in the last century, and more especially only in the last decades, in which the brewer's art was perfected, drinking has become universal. It has spread everywhere and increased to a frightful, most alarming extent. It has been introduced even into country communities, and the only inevitable consequence will be the thorough degeneration of the human race, if the evil is not checked before it is not too late. Although is is contended that beer contains less alcohol than either wine or whisky, it is nevertheless as injurious as either of them, while its vaunted nutritive value stands in no proportion to its price. When a man is required to perform the greatest feats of corporeal exertions, in battle, sport, explorations, &c., the baneful effects of alcohol is most strikingly shown. English life insurance companies divide their risks into two classes, the non-drinkers and the drinkers, and the average of expected mortality has for several years been only 71 per cent of the former, therefore 29 per cent less than that of the latter. Taking the rate of mortality at one thousand, of this unit die: farmers, 630; brewers, 1,361; saloon-keepers, 1,521; waiters (of both sexes) in bar-rooms and saloons, 2,205. In spite of the marvelous advantages of our present age, a great retrogression, in an ethical sense, is undeniable, the chief cause of which is principally due to the increase of drunkenness, because the beer saloon has become the centre and focus of social life."

It is not surprising, in view of the foregoing statements, that much anxiety is felt amongst the thinking people of Germany and that remedies are being sought for the evils. Temperance organizations—the Blue Cross Society and the Good Templars—have been at work for several years, endeavouring to promote total abstinence. But the most important association is that known as the "Verein Gegen Den Missbrauch Geistiger Getränke," (A Union to prevent the Misuse of Liquors). It was organized in 1883. It numbered at the last report about 10,000 members grouped in local associations in various parts of the country. Total abstinence is not a condition of membership. It is designed, rather, to awaken the people to see the social danger which threatens the country from the prevalent excessive drinking

habits, and to unite them so for the correction of the evil. The society has much social importance. Its membership is almost wholly recruited from the educated and influential class. Among its first supporters were the Emperor Frederick, Gen. Von Moltke, Field Marshal Herwarth Von Bittenfield, and the Oberburgermeister Miquel, late Prussian Minister of Finance, and one of the most important persons in Germany. It has also among its members many physicians, prison officials, directors of asylums, pastors concerned with missionary work, charity experts like Dr. Emminghans of Gotha, economists like Professor Böhmert of Dresden, and many other persons brought professionally or by their philanthropic activity into close relations with the question of drink. The present Emperor, following the example of his father, has formally expressed his approval of the society, and his hope that it may succeed.

Moved by the gravity of the situation, the Emperor has proposed a new measure for the regulation of the drink traffic, the object being to reduce the evils now so manifest. The measure has not yet become law, but the fact that it has been proposed is very significant. The *Reichanzeiger*, one of the leading papers of Berlin, which published in full the proposed law against the "abuse of spirituous liquors," presenting reasons for its passage, stated that in the year 1889-90 there were 2,279,828 hectolitres (22 English gallons is one hectolitre) of pure alcohol consumed in Germany, or 4·64 litres for each man, woman and child in Germany; of wines about 6·44 litres, and of beer an average of 90 litres per head for each human in Germany, were consumed annually. There had been a large increase in the number of cases of chronic alcoholism and of delerium tremens treated in public institutions, from 4,272 in 1877 to 10,360 in 1885. The alcoholic cases furnish about 20 per cent of nearly all the cases treated in public hospitals. Of the prisoners in Germany penitentiaries convicted of murder, 46 per cent used liquor, and 41 per cent were habitual drunkards; of those who committed manslaughter, 63 per cent were drinkers; violent assault 74 per cent; rape 60 per cent; and other crimes varied from 40 to 68 per cent by habitual drinkers.

These facts and figures do not seem to bear out the statement so often made that there is no intemperance in Germany.

## FRANCE.

France is pre-eminently a wine-producing and a wine-consuming country. Hon. H. G. Joly, in his evidence before the Commission, told of the wine drinking customs in France in his boyhood. Wine was used everywhere, he said, by all classes of the people, about as freely as milk or tea are used in this country, and without any apparent ill effects.

But since that time a change has evidently taken place: the universal use of wine has produced its results. The following article from the *Revue Chrétienne*, Paris, shows the present condition, and voices the anxious feeling of those who take note of the widespread and increasing evils of alcoholism:—"The great black spot on the horizon is alcoholism. No doubt its influence is felt among all classes of society, but it is especially a popular plague, a recent plague that has made itself sensible within the past thirty or forty years. Alcoholism is a parvenue of the last hour, and a parvenue cosmopolite. It speedily acclimates itself everywhere. Since by heredity it has entered into the blood and marrow of the people, and has spread itself into the country as it has in the city, not only physicians have been alarmed, but also men of the law, and by degrees all intelligent and reflecting persons. At the present moment it increases and assumes the proportions of a universal danger. The race is struck in its vitals. The hospitals, almshouses and prisons bear testimony to its progress. In certain districts one no longer counts the drunkards, but those who are not. That which is now drank is infinitely different from that which was formerly consumed. It is a cheap kind of liquor, adulterated with brandy made from the beet root and potato, with which the unprincipled manufacturers are flooding the world, and this poison is alike destructive of intellectual, moral and physical life. It may be truthfully said of him who drinks it that he

drinks his own death and that of his children. It poisons the future, and predestinates coming generations to physical weakness, imbecility and crime. It is impossible for any one to fully estimate the moral, political, social, and hygienic effects of alcoholism. In nine-tenths of the maladies, the accidents, the crimes, and the ruin, in much of the uncontrolled passions and popular disorders, one can well say *cherchez l'alcool.* The ravages of the alcohol among the youth of the common classes are frightful. There is scarcely any longer an amusement or a recreation with which it does not mix itself. It interferes with or destroys every rational enjoyment; it prevents proper physical development; it neutralizes the good effects of reunions for social pleasure and relaxation. Every assembly, every excursion for whatever object, is in danger of terminating in a drunken debauch. Manners become coarse, and the language as well as the songs, brutal. Formerly the large cities depended upon the country for the purification of the life blood. The source itself is now tainted. In the lovely valleys that roll back among the Vosges, springs of chrystal water abound, the air is pure, and within the memory of man epidemic has never reigned. But alcohol now reigns as master. The number of feeble children constantly increases. Disorder is in the manners, in the purse and in the household. The fruits of a life of toil disappear. Alcohol is more terrible than war, than pestilence, or no matter what natural calamity."

Another leading Paris paper, the *Petit Journal*, declares that "of all the dangers menacing the agricultural population of France the gravest and most difficult to fight is the alcohol power."

Alcoholic insanity has greatly increased. The eminent Dr. Paul Garnier, Chief Medical Officer of the Préfecture of Police in Paris, is authority for the statement that in sixteen years, from 1872 to 1888, lunacy has increased 30 per cent. "The development of this class of diseases is divided between two categories of alcoholic dementia and general paralysis. The former type is found twice as frequent as it was fifteen years ago, and the sequestrations resulting therefrom have augmented 25 per cent between 1886 and 1888. The malady assumes a more violent character every day; attacks against persons become more frequent."

In one of the great Paris hospitals, out of 83 patients suffering from epilepsy, 60 were found to be of drunken parents.

The population of France has gradually diminished, and those who have given attention to the matter declare that the drink evil is responsible for this diminution, as, also, for the marked deterioration of the national physique.

In May, 1894, *Le Temps*, one of the most influential Paris dailies, sounded a note of warning. Referring to the 300,000,000 francs received by the treasury of France from the duty on alcohol, it says:—"They (statesmen) find here facing them one of those numerous contradictions which arise in political and social economy. On the one hand, the treasury can but congratulate itself on seeing the consumption of alcohol increase. The more there is drank the more there is paid, and the more the state receipts rise.

"But this wealth of duty should not lead to an illusion. This apparent richness of the state is due to the misery of the citizens; and it is not a question only of a want of money to which every confirmed drinker in the class of workmen fatally condemns himself and his, it is a question specially of physiological and moral misery, of the ruin of soul and body, of the exhaustion within a short period, by the effects of alcoholism, of the vital forces of the nation and of its power of reproduction and progress.

"There are workmen who, under the pretext of giving themselves strength, drink half a litre or a litre of more or less harmful *eau de vie* daily. Can one represent to himself without sadness what becomes of the homes and children of these workmen? The father, as has been said, does not make old bones; the wife becomes corrupted in her turn; the children are rickety, sometimes idiots, incapable of living, without speaking of the terrible law of heredity, which in the race multiplies the consequences of heredity with the progressive spread of the falling stone * * Which of us could not cite families, or even groups of individuals, whom this abuse of strong liquors has caused to disappear or reduce to almost nothing?

"Statistics tell us that the French population has ceased to increase. Last year (1893) the number of deaths exceeded the births by 20,000. How can we help saying that this physiological decadence of the French race, at least in certain districts, coincides with the progress which the same statistics show in the consumption of alcohol? We do not make it solely responsible for the phenomenon, but it must none the more be held innocent."

The larger revenues are, of course, because of increased consumption of alcohol. The increasing and alarming evils described have also kept pace with the increasing use of liquors.

*A French Report.*—Your Commissioners have had before them the report of a French Commission, appointed to investigate the use of alcohol in that country. The very fact of the appointment of such a commission is proof of the alarm felt by the representatives of the people and those charged with the administration of the country's affairs. A summary of the report, translated by Mr. Gigault, is printed as an appendix. (Vol. 7, Appendix No. 74.)

From that report your Commissioner has gathered several statements which bear out the facts already stated, and emphasise the real gravity of the situation in France produced by the drinking habits of the people.

The report says: "The consumption of alcohol has increased one-half in twelve years—in 1874 it was 970,599 hectolitres, and in 1885 it was 1,444,342 hectolitres." (A hectolitre is 22 English gallons.)

The steady increase in the number of liquor-selling places has contributed to the development of alcoholism. In 1875 there was one liquor shop for each 109 of the population, in 1885 there was one for each 94 of the population, and they have increased since. "The increasing numbers," the report says, "have become a universal ground of anxiety, and are one of the recognized causes of drunkenness. We know how readily, even when his inclination does not point in that direction, the workman who is addicted to drink suffers himself to be drawn into the saloon."

Suicides have increased at an alarming rate. In 1826–30 they were only five to every 10,000 of the population; in 1856–60 they had increased to 11, and in 1885 they were 21.

Deaths of infants and accidental deaths are most numerous in the sections of the country where the people are most given to drink. These sections furnish also the larger proportion of the criminals. "And the sections where the population tends to decrease are precisely those where the greatest quantity of alcohol is consumed."

The foregoing facts, and many similar, set forth in the report, moves the French commissioners to say: "There reigns the prejudice that it is necessary to give wine and liquors to young children to strengthen them. The bad habit of giving another food than milk, coupled with the alcoholic excesses of the adults, is, doubtless, one of the chief sources of depopulation of that wealthy province (Normandy). Nations, like individuals, can live long only if they are sober and virtuous; as soon as they become intemperate and vicious they are destined to perish. * * * To-day the situation is graver than ever. A number of our departments (provinces) are threatened with a rapid degeneration of the race. Alcoholism is a generator of poverty. It has already disturbed the whole social economy. On the other part, why should we not acknowledge it? Our finances are not what we would desire them to be, and the equilibrium of our budgets can be maintained only by new taxes. What then must be done in order to protect at the same time the rules of hygiene, the laws of public morals, and the interests of the treasury?"

The explanation of the increased use of the stronger alcoholic liquors, given by those who advocate the free use of wine, is that the injury to the vines by phyloxera so greatly diminished the wine production of France that the people were compelled to resort to other and stronger drinks.

It is apparent, however, that the use of stronger liquors began before there was any shortage in the wine production; and though a diminished wine production in some years may have accelerated the increased use of spirits, it does not appear that

in any subsequent year, when the wine production was normal, the consumption of the stronger liquors correspondingly decreased:

It may also be suggested that since the free use of wine, as in France, causes a condition which impels the people when wine is scarce, to resort to stronger drinks, producing such a lamentable state of things as now exists there, the use of wine is not a habit to be encouraged with a view to overcome alcoholism and its train of vices.

All the facts show that it is too late to cite the experiences of Germany and France as justifying the encouragement of the use of beer and wine.

## III.

### Prohibitory Laws.

Before dealing with the results of the various experiments in prohibitory legislation, it is necessary to direct attention to some general considerations relating to the subject.

At this point your Commissioner must express his regret at the conclusions expressed by the majority of the Commission. He believes that a careful examination of all the evidence heard, and of the mass of other facts collected, makes sufficiently clear the rightness of prohibition as applied to the liquor traffic, and that thoroughly enforced prohibition would be the effective solution of the serious problem.

There is much to be said in favour of the soundness of the position taken by a number of witness heard by the Commission, that the liquor traffic being the cause of serious harm in the community, laws permitting this traffic are inherently wrong; that as governments exist for the purpose of benefiting the community, conserving and promoting the general interest, they should not, and cannot consistently, assume any duty towards such an evil, except that of interdiction. The liquor traffic, it is urged, is wrong, therefore law permitting it is wrong, and law prohibiting it is right.

In addition to this, it has also been strongly urged that the fact of prohibition being the law of a community, has in itself an educating effect upon the community, developing a right feeling toward the traffic and securing more thorough respect for law.

It is also worthy of notice that any prohibitory law must be effective in proportion of its thoroughness. The Commission has not come in contact with any experiment in which there was in operation the kind of law which prohibitionists in Canada favour, that is, law prohibiting the manufacture, importation and sale of intoxicating beverages.

Some states of the Union have prohibitory laws, but because of the relationship of states under the Federal system, it has not been found practicable to prevent the free importation of liquors into these states for private use, from states where prohibition does not prevail. This statement holds good also in reference to all the prohibition experiments which have been made over limited areas in Great Britain and Canada. All the experiments yet made have been under circumstances that must preclude the obtaining from them the maximum of benefit that it is believed would result from the thorough-going prohibitory legislation.

Keeping in mind these facts, attention is respectfully directed to the experience of places that have attempted to work out the prohibition principle.

### THE UNITED STATES.

The total prohibition of the liquor traffic as a measure for preventing the evils of intemperance has for a long time been advocated, and has been in operation over limited areas. So far as your Commission have learned it was first advocated as a state measure in Maine about the year 1837. The proposal was definitely crystallized into law in 1851, when the Maine law was enacted prohibiting the manufac-

ture and sale of intoxicating liquors in the state, except as provided. The exception was that in cities and towns, sale for medicinal and mechanical purposes, by special agents was permitted. Following the example of Maine, a number of other states, also enacted prohibitory laws. Some of these laws remain. The majority of them were repealed about the time of the American Civil War. Public interest in that war for a time interfered with the attention that had previously been given to the temperance question. Many states felt the financial pressure of the situation, and enacted license laws as a means of raising revenue. In later years the prohibition agitation again became active. In some states it took the form of agitation for the adoption of constitutional amendments, making prohibition the fundamental law of the state. Kansas, Maine, South Dakota and North Dakota adopted prohibition amendments to their constitutions. Laws prohibiting the manufacture and sale of liquor are now in force in the State of Maine, Vermont, Kansas, North Dakota and South Dakota. The State of New Hampshire has a law prohibiting the sale of liquor, but not prohibiting the manufacture. Iowa has also a law prohibiting manufacture and sale, but the legislature has lately enacted a measure practically suspending its operation in certain communities where a specified proportion of the electors petition for such suspension and the dealers agree to pay certain sums. This, actually, is the general prohibitory law with option for license by localities. Prohibition is also the law in the unorganized territories of Indian Territory and Alaska.

It might at first sight appear reasonable to expect that it would be possible to ascertain the result of prohibition by comparing the states named with those states which have not prohibitory laws in operation. There are, however, a good many difficulties in the way of making such comparisons. The prohibitory laws mentioned do not prohibit the bringing of liquor into the territory over which they operate. Under them liquor importation is practically free. Parties can purchase elsewhere and bring in liquor for personal consumption to any extent. The prohibition is, therefore, imperfect, and it is impossible to ascertain exactly the amount of liquor consumed in the different states. Nor are there available accurate statistics of pauperism, crime, disease and other results of the liquor traffic in such form as to permit of comparisons being made that will show all the facts which it is desirable to have.

In some cases comparisons have been made between the police statistics of cities under license and cities under prohibition. Such comparisons are often misleading, especially so when only two cities are compared. For example the arrests for drunkenness in different cities are largely affected, not merely by the amount of liquor consumed, but by the police regulations relating to drunkenness, or by the custom of the authorities in carrying out such regulations. In one city where there is notoriously much drunkenness the record of arrests for drunkenness may have been much lower than of the city where drunkenness is much less common. It is well known that drunkenness is more common in large centres of population than in rural districts. A state having many such centres would, other things being equal, have more drunkenness than a state with a population almost exclusively agricultural. Cities and towns that have "a floating population," such places as seaport towns, are more likely to have marked drunkenness and disorder than inland places. The character and nationality of a population affects the drunkenness record. Climate has much to do with the extent to which relief of poor is necessary. The diligence of authorities in carrying out either the prohibitory law or the law for punishing the intemperance that results from the liquor traffic varies in different localities. For these and other reasons, statiticians admit the difficulty of making such comparisons as have been mentioned.

*Tax Receipts.*—The tax receipts issued by the United States government are sometimes taken to indicate the volume of the liquor traffic in the several states. A table showing the number issued in 1892 will be found in Vol. 7, Appendix 78. An analysis of the table, taking into consideration all the facts and conditions which affect this matter, will show that the record of the prohibition states is much superior to that of the other states. For instance, it will be necessary, in examining the table, to remember that New Hampshire does not prohibit the manufacture

of liquors, nor the sale of, for export. In the case of Maine nearly one-fourth of the tax receipts issued were to dealers in a kind of malt liquors, which, as stated in evidence by Sheriff Cram, of Portland, Me., is not prohibited.

The tax receipts mentioned are sometimes spoken of as liquor licenses. This is a looseness of expression that is very misleading. Under the United States law, every person engaged in the liquor traffic is required to pay a certain tax to the Federal authority. This tax for retail liquor sellers at present is $25 per annum. The tax is levied upon all dealers simply as a national revenue provision. The receipt given expressly sets on its face that it is not an authority to sell liquor. The penalties for selling liquor without this receipt are, however, very severe. They are generally much heavier than are the penalties provided by state laws for selling liquor in prohibitory states. To evade the severe Federal penalties it is a common practice for persons who violate, or intend to violate, the law in prohibitory states to pay this fee and obtain this receipt. It frequently happens that a business attempted to be carried on by such persons is stopped by the state law. Druggists and those who sell liquor for permitted purposes are also required to hold such receipts. It will, therefore be understood that the number of such tax receipts issued in any state is not at all a statement of the number of persons engaged in liquor selling in that state.

## STATISTICS OF CRIME AND PAUPERISM.

In examining the table herewith submitted it is necessary also to bear in mind that the figures showing the criminals in states prisons and county jails, and the paupers in almshouses, &c., do not profess to be figures of convictions for crimes during any period, nor of persons cared for during any extended time; they simply set out the number of inmates of the institutions named on the particular day of the year on which the census was taken. There are not, in the hands of the Commission, returns that make it possible to show the yearly number of convictions for crimes of different states. The table is given, however, with this explanation, as the only available statement of facts which can be assumed to have some bearing upon the present enquiry.

### PENITENTIARIES.

(United States Census, 1890.)

| States. | No. of Prisoners. | Ratio per 1,000. | States. | No. of Prisoners. | Ratio per 1,000. |
|---|---|---|---|---|---|
| Prohibition States— | | | License States—*Con.* | | |
| Kansas | 913 | ·64 | Arkansas | 832 | ·75 |
| North Dakota | 65 | ·36 | New Mexico | 112 | ·72 |
| Iowa | 623 | ·32 | Washington | 251 | ·71 |
| New Hampshire | 116 | ·30 | Alabama | 1,086 | ·71 |
| South Dakota | 97 | ·29 | Virginia | 1,167 | ·70 |
| Vermont | 91 | ·27 | South Carolina | 806 | ·70 |
| Maine | 170 | ·25 | Massachusetts | 1,530 | ·68 |
| License States— | | | Maryland | 690 | ·66 |
| Arizona | 144 | 2·41 | Kentucky | 1,235 | ·66 |
| Nevada | 96 | 2·09 | Indiana | 1,416 | ·64 |
| Montana | 225 | 1·70 | Missouri | 1,701 | ·63 |
| California | 2,051 | 1·69 | Illinois | 2,057 | ·53 |
| Texas | 3,319 | 1·48 | Michigan | 1,108 | ·52 |
| New York | 8,190 | 1·36 | Connecticut | 340 | ·45 |
| Colorado | 526 | 1·27 | Ohio | 1,652 | ·45 |
| Idaho | 102 | 1·20 | Pennsylvania | 2,361 | ·44 |
| Oregon | 362 | 1·15 | Nebraska | 391 | ·36 |
| New Jersey | 1,557 | 1·07 | West Virginia | 278 | ·36 |
| Florida | 374 | ·95 | Rhode Island | 122 | ·35 |
| Georgia | 1,729 | ·94 | Mississippi | 429 | ·33 |
| North Carolina | 1,422 | ·87 | Minnesota | 432 | ·33 |
| Utah | 180 | ·86 | Wisconsin | 530 | ·31 |
| Tennessee | 1,484 | ·84 | Wyoming | 10 | ·16 |
| Louisiana | 856 | ·76 | | | |

## JAILS.

(United States Census, 1890.)

| States. | No. of Prisoners. | Ratio per 1,000. | States. | No. of Prisoners. | Ratio per 1,000. |
|---|---|---|---|---|---|
| Prohibition States— | | | License States—*Con.* | | |
| Maine | 302 | ·45 | Washington | 141 | ·40 |
| Kansas | 432 | ·30 | Alabama | 573 | ·37 |
| New Hampshire | 113 | ·30 | Tennessee | 654 | ·37 |
| North and South Dakota | 97 | ·19 | Arkansas | 397 | ·35 |
| Iowa | 327 | ·17 | Kentucky | 646 | ·34 |
| Vermont | 30 | ·09 | South Carolina | 374 | ·32 |
| License States— | | | Georgia | 552 | ·30 |
| Arizona | 97 | 1·62 | North Carolina | 442 | ·27 |
| Montana | 193 | 1·46 | Virginia | 390 | ·23 |
| Nevada | 54 | 1·18 | Mississippi | 284 | ·22 |
| Wyoming | 59 | ·97 | New York | 1,292 | ·21 |
| D. Columbia | 213 | ·92 | Indiana | 464 | ·21 |
| Connecticut | 675 | ·90 | Utah | 43 | ·20 |
| Delaware | 139 | ·82 | Nebraska | 219 | ·20 |
| Florida | 270 | ·69 | Wisconsin | 345 | ·20 |
| Colorado | 275 | ·66 | West Virginia | 153 | ·20 |
| California | 682 | ·56 | Oregon | 61 | ·19 |
| New Mexico | 85 | ·55 | Michigan | 399 | ·19 |
| New Jersey | 783 | ·54 | Illinois | 727 | ·19 |
| Idaho | 45 | ·53 | Missouri | 505 | ·18 |
| Louisiana | 524 | ·46 | Minnesota | 208 | ·16 |
| Texas | 1,040 | ·46 | Maryland | 163 | ·15 |
| Pennsylvania | 2,386 | ·45 | Ohio | 502 | ·13 |
| Massachusetts | 954 | ·42 | | | |

## PAUPERS IN ALMSHOUSES.

(United States Census, 1890.)

| States. | No. of Inmates. | Ratio per 1,000. | States. | No. of Inmates. | Ratio per 1,000. |
|---|---|---|---|---|---|
| Prohibition States— | | | License States—*Con.* | | |
| New Hampshire | 1,143 | 3·03 | Nevada | 43 | ·94 |
| Maine | 1,161 | 1·75 | District of Columbia | 221 | ·96 |
| Vermont | 543 | 1·63 | North Carolina | 1,493 | ·92 |
| Iowa | 1,621 | ·84 | Michigan | 1,916 | ·91 |
| Kansas | 593 | ·41 | Missouri | 2,378 | ·88 |
| North Dakota | 35 | ·19 | Tennessee | 1,545 | ·87 |
| South Dakota | 53 | ·16 | Kentucky | 1,578 | ·84 |
| License States— | | | South Carolina | 578 | ·50 |
| California | 2,600 | 2·15 | Georgia | 901 | ·49 |
| Massachusetts | 4,725 | 2·11 | Alabama | 623 | ·41 |
| Ohio | 7,400 | 2·01 | Mississippi | 494 | ·38 |
| Connecticut | 1,438 | 1·92 | Arizona | 23 | ·38 |
| New Jersey | 2,718 | 1·88 | Oregon | 99 | ·31 |
| Delaware | 299 | 1·77 | Utah | 62 | ·29 |
| New York | 10,272 | 1·71 | Minnesota | 365 | ·28 |
| Pennsylvania | 8,653 | 1·64 | Nebraska | 291 | ·27 |
| Wisconsin | 2,641 | 1·56 | Idaho | 20 | ·23 |
| Maryland | 1,599 | 1·53 | Colorado | 87 | ·21 |
| Rhode Island | 490 | 1·41 | Washington | 71 | ·20 |
| Illinois | 5,395 | 1·41 | Texas | 464 | ·20 |
| Indiana | 2,927 | 1·33 | Arkansas | 223 | ·19 |
| Virginia | 2,193 | 1·32 | Louisiana | 122 | ·10 |
| West Virginia | 792 | 1·03 | Florida | 24 | ·06 |
| Montana | 132 | ·99 | | | |

In the penitentiaries' statistics it will be observed that the highest ratio in prohibition states is much smaller than the highest ratio in license states; and that only one license state has as low a ratio as the majority of prohibition states.

In the gaols statistics, also, the highest ratio in prohibition states is much below the highest ratio in license states; and no license state has a ratio as low as the lowest prohibition state.

In the almshouse statistics one prohibition state has a ratio higher than the license states, and that is New Hampshire, in which prohibition is only partial. Two license states have a lower ratio than the lowest prohibition state; these two are southern states, and one of them (Florida) is largely under prohibition. Having in mind the fact that the figures quoted are of the pauperism provided for in almshouses, it is worthy of note that the highest rate is in the older states, where there are not only more old people, but where the public care of the poor is better organized.

The following analyses and deductions will help to a better understanding of the foregoing tables.

The population of the prohibition states is one-twelfth of the population of the whole country.

The penitentiaries of the whole country had in them, when the census was taken, 42,233 convicts.

Of these the penitentiaries in prohibition states had 2,080. But if they had had the same ratio as the other states the number would have been 3,770.

The non-prohibition states had in their penitentiaries 43,153. But if they had had convicts only in the same ratio as the prohibition states the number would have been reduced to 22,880, or nearly one half.

The jails of the whole country had in them 19,538 prisoners. Of these the prohibition states jails had 1,301. But if they had had the same ratio as the other states the number would have been increased to 1,628.

The jails in the non-prohibition states had 18,237. But if they had the same ratio as the prohibition states the number would have been reduced to 14,311.

The penitentiary convicts in all license states were ·75 per thousand of the population. In prohibition states ·39 per thousand of the population.

The prisoners in the jails of all license states were ·37 per thousand of the population. In prohibition states ·24 per thousand of the population.

The almshouses of the whole country had 73,045 inmates. Of these the almshouses in prohibition states had 5,149. If they had had the same ratio as the other states the number would have been 6,087.

The almshouses in the non-prohibition states had 67,896 inmates. If they had had the same ratio as the prohibition states the number would have been reduced to 61,788.

The paupers in almshouses in all license states were 1·29 per thousand of the population. In prohibition states there were 1·02 per thousand.

The foregoing figures make it clear that, in proportion to the population, serious crime and publicly supported pauperism are less in states under prohibition than in states under license.

## MAINE.

It needs to be kept in mind that the prohibitory law of Maine does not provide such total prohibition as it asked for in the petitions which have been presented to the Parliament of Canada from time to time. The law does prohibit the manufacture of intoxicating liquors absolutely, and the sale except for certain purposes and under certain conditions. But for reasons already stated, importation of liquors into the state is practically free.

Prohibition was first enacted in 1851. The law was repealed in 1856. In 1858 the electorate of the state voted upon the question of choice between license and prohibition. Declaring in favour of the latter, the prohibitory law came into operation, and has remained the law of the state up to the present time.

Much interest attaches to an examination of the conditions in Maine, as showing the effects of 36 years delegalization of liquor selling. The Commission's examination was not quite what the undersigned hoped it might be, and suggested it should be. The time spent in the state was distributed as follows:—Eight days in Portland, the largest city; one day in Augusta, the capital; three days in Bangor, the city in which there is admittedly more flagrant violation of the law than in any other part of the state; one day in Pittsfield; less than half a day in Winthrop; about three-fourths of a day in Lewiston; an hour in Auburn, and two or three hours in Biddeford. At the several sittings of the Commission in the state 88 witnesses were heard. They were not selected because they were known to be favourable to prohibition, except perhaps a few suggested by Mr. J. H. Carson, who accompanied the Commission as the representative of the prohibitionists of Canada; Mr. Kribs, the representative of the liquor interests of Canada, naming, at least, an equal number, of known opponents of prohibition. Mention must also be made of the fact that besides the witnesses heard in the state, evidence was had from citizens of Maine at the sitting of the Commission in St. Stephen, N. B., and also from General Neal Dow at a sitting of the Commission in Montreal.

The facts, based on evidence heard and other information received, which your Commission sets forth in this report, are:—

An endeavor was made to ascertain the effect of prohibition on the consumption of liquors, on the industries and other business interests, on crime and the social conditions generally, and also to ascertain the facts about the measure of enforcement, the difficulties of enforcement, and the feeling of the people generally about the law.

It was learned that there is absolutely no manufacture of liquors in the state. Previous to the enactment of the prohibitory law there was extensive manufacture of both spirituous and malt liquors, but the distilleries and breweries were long ago closed, and there has been no attempt to revive the business.

### CONSOMPTION OF LIQUORS.

As to the consumption of liquors in the state, it is not, for reasons set forth in an earlier part of this report, possible to state accurately the quantities taken into the state in recent years. A well-known citizen of Maine, Hon. A. W. Paine, of Bangor, who has for many years given much attention to this matter, furnished the Commission with some interesting figures, based on the internal revenue returns, which are, probably, approximately correct. They show that while in the United States, as a whole, the annual liquor tax is nearly two dollars per inhabitant, the portion of it contributed by Maine is less than four cents per capita.

The Hon. Nelson Dingley, an ex-Governor of Maine, at present and for many years a member of congress, and who is accepted as an authority on all matters relating to his state, in a recent address in the house of representatives at Washington, gave a statistical statement which shows that the consumption of liquors in his state is very small. He said :—

"For revenue purposes, as is well known, the United States imposes a tax on the manufacture and sale of intoxicating liquors. For the year ending May 1st, 1889, the revenue from this source was $98,575,073, or $1.95 per inhabitant on the basis of the population of 1880.

"As these taxes on manufacturers of and dealers in intoxicating liquors are collected with substantially uniform thoroughness in every state of the union, a comparison of the amount collected in the several states gives us some idea of the relative extent of the manufacture and sale of distilled and fermented liquors.

"In New York the amount of tax collected by the government from this source was $2.30 per inhabitant; in New Jersey, $2.95; in Pennsylvania, $1.49; and in Maine three and two-eighths cents per inhabitant.

"The suggestion has been made that prohibition mainly interferes with the traffic in malt liquors, but does not seriously restrict the traffic in distilled liquors. Inasmuch as the government imposes a higher tax on retail dealers in distilled liquors

than on retail dealers in malt liquors, and keeps the two classes of liquor dealers separate, we have reliable means of comparing the number of retail dealers of distilled spirits in the several states, as it is well known that nearly all persons who propose to sell such liquors pay the small United States tax of $25 rather than run the risk of incurring the severe penalties of the United States laws.

"According to the official returns of the officers of the internal revenue for the year ending May 1st, 1890, there were 185,868 retail dealers in distilled liquors in the United States, or one liquor dealer to every 275 inhabitants, on the basis of the census of 1880.

"In New York there was one retail dealer in distilled liquors to every 150 inhabitants; in New Jersey one to every 175; in Ohio one to every 230; in Pennsylvania and Massachusetts, one to 400; in Indiana, one to 325; in Delaware, one to 160; and in California one to 75.

"The average in all the States which have general license laws is one dram shop to 250 inhabitants. In Maine there is one retail dealer (tax receipt holder) in distilled liquors to every 750 inhabitants; in Vermont, one to 820; in Iowa, one to 520; and Kansas one to 800."

Referring to the 'Federal tax receipts' mentioned in the foregoing statement, there is evidence that many of those issued to parties in Maine are not what they seem to be—liquor selling tax receipts—as they are when issued to persons in other states. Sheriff Cram of Portland, whose evidence before the Commission was valuable, covering many points, gave an explanation of the tax receipts which should not be overlooked. His explanation is that sellers of beer which, it has been decided, is not prohibited, have to take out the United States license. There is nothing on the face of the receipt held by one of these persons to distinguish it from a spirituons liquor tax receipt. A considerable proportion of those holding such tax receipts never did, nor ever intended to violate the prohibitory law. Sheriff Cram said:—

"I took a list of the names of the persons who hold these licenses in this county two years ago, and I found that a large number of them are those people who retail small beer." He said that, from examination, he knew that the larger number of those holding tax receipts are "the soft beer keepers." "It might be difficult," he added, "to get a classification of them, because the certificate does not define whether the man intends selling soft beer or not. It says that he is going to sell malt liquor, but it does not make any distinction. I know, however, that the larger part of the entire list of those people sell soft beer."

Hon. Woolcott Hamlin, ex-supervisor of internal revenue for Maine, says:—"In the course of my duty as an internal revenue officer, I have become thoroughly acquainted with the state and extent of the liquor traffic in Maine, and I have no hesitation in saying that the beer trade is not more than one per cent of what I remember it to have been, and the trade in distilled liquors is not more than ten per cent of what it formerly was. Where liquor is sold at all it is done secretly, through fear of the law."

Hon. W. P. Frye, at one time attorney-general of Maine, and now United States senator, bears this testimony:—

"I can and do, from my own personal observation, unhesitatingly affirm that the consumption of intoxicating liquors in Maine is not to-day one-fourth as great as it was twenty years ago; that in the country portions of the state, under a vigorous enforcement of its provisions, has created a temperance sentiment which is marvelous, and to which opposition is powerless. In my opinion our remarkable temperance reform of to-day is the legitimate child of the law." Senator Frye's statement was concurred in by senators Hon. Lot M. Morrill and Hon. Hanibal Hamlin, congressmen John Lynch, John A. Peters and Eugene Hale, and the late Hon. James G. Blaine.

It is sometimes stated that the abolition of the saloon in Maine has caused a marked increase in the home consumption of liquors. Information on this point was sought by the Commission, and the testimony, in the main, is to the effect that the

use of liquors in the state has steadily diminished, and that instead of there being general use of them in the home, the cases of home use are so few as to attract attention and provoke surprise and comment. To ascertain the facts about the quantities brought in by express, agents of express companies and railroad station agents were examined. An express agent at Portland, who also acts as purchasing agent for those who desire liquors, said that a considerable quantity comes into the city, the packages generally being small—from a single bottle to two or three gallons. He expressed the belief that much larger quantities are received by freight trains and steamers. It is impossible, he said, for anyone to keep a large stock of liquors in the city. The other gentlemen who were examined on this point agreed that the quantity passing through their hands is very small, and that it is diminishing, being much less than even ten years ago. Mr. George P. Wescott, a gentleman who is not a prohibitionist, being questioned as to the use of liquors in homes now compared with what it was twenty years ago, said:—"It is very much reduced." "That," he added, "comes from the people being opposed to it. We see parents not allowing their children to associate with others who are rough or who are accustomed to drink beer. They draw the line at that."

It is made clear in the evidence given that throughout a large portion of the state, probably three-fourths of it, or more, not only is there practically no sale of liquors, but the cases of importation for family use are extremely rare.

### BUSINESS EFFECTS.

The opinion is held by many, including some who are not in any sense friends of the liquor traffic, that prohibition causes business stagnation. Maine's experience as to this is, therefore, important.

Probably few persons would be better qualified to judge of this matter than ex-Governor Burleigh, of Maine, who, at a public meeting in the summer of 1891, said:—"To my mind, of all the puerile attacks upon our prohibitory law, that which asserts that it injures the business prosperity of the state, is the most absurd. It will be impossible to conceive of two things more incompatible than business success and intemperance. Sobriety and industry go hand in hand. Both are essential to success." He also says that taxation has been reduced the last year (1890) $117,799.94, and that for the coming year will "be the lowest tax levied for thirty years." The savings banks have increased to 55, with aggregate deposits of "nearly forty-one million dollars, divided between 124,562 depositors."

Another gentleman of prominence in the State, Hon. W. P. Frye, United States Senator from Maine, said:—"Allow me to say, without any reservations, too, that prohibition has promoted legitimate lines of business in my state (Maine)—has not depreciated the value of real estate, nor been detrimental to any interest whatever except those of rum sellers. It has induced no man to emigrate to licensed states. And allow me to add, further, that any man who would emigrate from a prohibition state to a license state, simply because in the one rum was permitted to be sold, and in the other not, would leave his state for his state's good."

Many of the witnesses examined in the state were questioned as to the effects of prohibition on business interests, property values, etc. One gentleman, Mr. P. H. Brown, of Portland, who is a large real estate owner, said:—"Certain properties such as distilleries and breweries have been rendered worthless and certain other properties which were used perhaps for the sale of rum have also become vacant, but that is not considerable. As the town is less attractive as to residence, I think probably the value of all real estate has somewhat declined."

It is but fair, both to this gentleman and to the city, to mention that he is the owner of the largest hotel in Portland, the rental of which would possibly be larger if it could have a liquor selling license.

Mayor Baxter, of Portland, who is the owner of much real estate, has given careful consideration to the question of the effect of the prohibitory law on the value of propeety, said:—"I own considerable property in Portland, principally business

property, and I am perfectly satisfied in my own mind that the prohibitory law has not damaged me in any way. I think, perhaps, I get a better class of tenants than I should have otherwise, men who pay very well. Now there has been a difference of opinion about that. Mr. John Brown used to argue, and his sons argue similiarly, that the prohibitory law does great damage, and that buildings of theirs would be occupied without a prohibitory law, which are now idle. Mr. Brown claims that it is a damage to the estate. I have taken a different view. I think I am right and he probably thinks he is right, but I think it is owing to the nature of his property more than anything else, that some of it is not occupied. He has certain buildings which, perhaps, should never have been built. He owns the Falmouth Hotel, and, of course, if that hotel had a license and could sell liquor, it would have been a large source of revenue to him.

Mr. S. L. Carleton, barrister, of Portland, and one of the oldest residents, said :—"The effect is good, a thousand times good. I have had real estate in this town. I have now from sixty to seventy tenants. When the prohibitory law was brought into operation, people used to drink liquor, and did not pay their rent, but immediately that they were sobered up everything was all right, the children were clothed and the wife was clothed and they paid their rent. Before that the rent that should go to the landlord, went to the rum-shop."

There were other equally strong expressions of belief by witnesses that prohibition has enhanced, instead of depreciated the value of property.

An important statement about the business prosperity of Maine, made since the visit of the Commission to that state, is found in the inaugural address of Governor Cleanes to the legislature, 5th January, 1895. He said :—"The financial condition of the state, as shown by the report of the state treasurer, is most gratifying. There was a balance in the treasury on the first day of January, 1895, of $458,195.85. * * * The net indebtedness on the 31st December, 1874, after deducting the amount in the sinking fund, was $5,570,876, nearly all of which was incurred for war purposes, and on which amount the annual interest charge was $334,252. During the following twenty years there was paid on this debt $3,167,876, reducing the bonded indebtedness of the state, on the thirty-first day of December, 1894, to $2,403,000, and reducing the annual interest charge from $334,252, in 1874, to less than $76,000 at the present time. * * * The outstanding bonds of the state, bearing interest at three *per centum*, command a premium. Our cities and towns, in making their temporary and permanent loans, are negotiating their securities on a four *per centum* basis, and in many instances for less. The bonds of the state and of her municipalities are among the choicest investments, and are in quick demand, not only by our own people, but throughout the financial centres of New England and the Middle States. The high financial credit of our state and of her various municipalities rests upon a permanent basis. * * * There was outstanding against the state on the first day of January, 1893, a temporary loan of $300,000, that had existed for several years. * * * I am pleased to state to you and the people, that during the past two years the entire temporary loan has been paid from the receipts of the treasury. In addition to this, $103,000 has been paid on our bonded indebtedness, thus reducing the state debt during the years 1893 and 1894, $403,300, and our interest charges not less than $17,000. On the first day of January, 1895, as before stated, the unexpended balance in the treasury was $458,195.58; more than sufficient to meet all our outstanding liabilities."

Of taxes the Governor says: "The state tax for the year 1893, was two and three-fourths mills on a dollar. The levy for 1894 was on a basis of two and one-half mills, making a reduction in the state tax for the past year of $77,634." He anticipates a reduction in the receipts the present year, but adds: "I can, however, safely recommend that for the year 1896, the state tax be reduced to two mills on a dollar," which would reduce the tax to be levied for 1896, $162,239.16.

"Upon this basis there will be a tax of only twenty cents on every one hundred dollars of the assessed valuation of the property of the state, and one-half of this, under a statute that has existed for more than twenty years, will be devoted solely

to school purposes. Deducting this school tax, which is distributed to aid in maintaining our schools, the rate of taxation for the support of the state government will be only ten cents on one hundred dollars; the *lowest rate of taxation* for that purpose, that has existed since Main was admitted into the American Union as an independent state."

Of the savings banks in the state, the governor says: "The report of the State Bank Examiner shows a gratifying condition on the part of our savings banks, trust companies, loan and building associations. The entire resources of the fifty-one savings institutions on the twenty-fourth day of November, 1894, were $57,-761,918.46. The increase of deposits during the past year was $1,269,914.38. The gain in number of depositors was seventeen hundred and eighty-two." * * * "Notwithstanding the depressing influences that have surrounded many of our industrial enterprises and the interests of labour during the past two years, our state has steadily increased in population, in valuation of property and material wealth. Our enterprising people have constructed more than two hundred and eighteen miles of new railroad, penetrating and opening up various sections of the state. * * * "We look with pride on the permanency of our great business interests. * * * "We view with satisfaction the soundness and stability of our financial institutions; our national and savings banks, trust, loan and building associations, towering in strength and safety amid the storms of broken confidence, financial distrust and disaster, that have overtaken and submerged so many institutions of a similar character, in other sections of our country."

### MANUFACTURING INTERESTS.

The manufacturing interests of Maine are large and important. In Lewiston and Biddeford there are extensive cotton mills and other manufacturing industries employing some thousands of persons. It was suggested to the Commission, in both these places, that the managers or superintendents of these industries could, doubtless, give valuable evidence; and it is to be regretted that in neither place was any of them examined. Such employers of labour as were examined testified that prohibition is a benefit both to their employés and to their business. Mr. R. T. Burrows, Portland, employs 200 men and boys. He said:—"I know the men who are working with me now and I talk with them. I also talk with manufacturers about their men, and they tell me that they get about five days' work out of their men per week in towns where license prevails. A proportion of their men are supposed to be off about one day of the week on account of drink. I have none of that trouble here. This spring I have had one man who has been away on account of drink, but that is all. It would cost us more to manufacture our goods if we had no prohibitory law. Our profits would be less. We pay the highest wages to our men here. We pay our men more than they do at Grand Rapids, Mich., in similar business. I think the wages would be less under a license system. The men would be less competent. We pay a certain amount for the work done, and if the men were not competent to do it they would not get so much money out of it. I think that drink is unpopular in the rank and file of our young men here. I have seen a great many young men here grow up with whom I am acquainted, and it is an exception to find a young man of respectable family who learns to drink or to become a user of drink. The prohibitory law has emphasized the danger of the drink habit to these young men."

Mr. McIlroy, agent of the Winthrop mill company, said:—"There is not nearly so much drunkenness as there was 18 or 20 years ago. I do not know any place where liquor can be purchased in the village. I think the prohibitory law has had the effect of promoting temperance in this town."

Colonel C. Wayne, Winthrop, manufacturer of boots and shoes, who has been a member of the Legislature and a member of the Governor's council, said:—"If there is any (secret) sale of liquor it is in a very limited degree. The people are more temperate than they were twenty years ago. I attribute that largely to the

temperance sentiment and to the effects that temperance law has had upon the minds of the people from their own experience and observation of its effects upon the community generally. There is a large gathering outside the hotel here (it was the 4th of July), and you cannot see much intemperance amongst them, or if you have, you have seen what I have not seen. I know the state pretty well, and looking at the prohibitory law, broadly and generally, I believe that the prohibitory law has had a good effect upon the state. I am ready to testify in the affirmative on that question anywhere and any time, and before any man or men. I have not always been a temperance man myself, although I am to-day and have been for several years. I think that the most of our citizens will testify with me, that our prohibitory law has done great good."

Mr. William Dobson, proprietor of woollen mills at Pittsfield, said: "If we had a license law in the state of Maine, with local option, I would vote against it and against having license in this place."

MORAL EFFECTS.

It was thought that clergymen could give the commission valuable information about the moral effects of prohibition, and representatives of several denominations were examined. Quotations are made from the evidence of all the clergymen heard. Only two expressed doubts about the benefits of the prohibitory law.

Bishop Neely, of the Protestant Episcopal church, has been a resident of Portland for several years, but, he said, he had not made an examination into the workings of the prohibitory law either in the city or in the state at large and could only give an impression. He felt, he said, that the law is not entirely effective, adding: "I would be far from saying that it has had no good effect. I think it has. I think it has had more or less a good effect but how much I cannot say because I do not know what the condition of things was before the law. It must have had a good effect. In the country parts I do not think it has been detrimental; on the contrary, it has been advantageous, and wherever public sentiment would sustain it I have no doubt it would do good."

Bishop Healy, Roman Catholic, was visited at his residence. He is not, nor ever has been in favour of prohibition. His views and the reasons for them are seated at length in his evidence. His position is quite difficult, as he frankly stated. Speaking of those prosecuted for violation of the law, he said: "I think in our prison there are 120 persons sometimes in the winter; first the father, then the mother, and then the children; but they do not look upon it as a disgrace; rather as I have said, they look upon themselves as victims of an oppressive law. I am sorry to say that they are mostly among my own people and it distresses me very much. We preach to them of temperance, we are bound to do it as we preach on all virtues, but what can I say when I come to preach to them about this law? If I endorse the law they say: 'You are putting yourself in the hands of those who are oppressing us;' and this law, therefore, completely destroys my influence over them. To tell you the truth we scarcely dare to speak to them of it. But," he added, "In our little villages and country places where public sentiment maintains the prohibition law it has done a great deal of good. It has done away with the village taverns and loafers."

Rev. Mr. Whitcomb, Free Baptist, is principal of the Maine state central institute, situated at Pittsfield. He has resided in the town twelve years, during which time the capacity of the woollen mills and other industries there has been considerably increased, increasing the number of their employees; and the attendance at the institute has steadily increased. Questioned about drinking and drunkenness, whether they had increased or decreased, and as to the strength of prohibitory sentiment, and the effect of enforced prohibition on the morals and religion of the community, he said: "It (drinking) has decreased vastly since my residence here. Those who come to our village, especially within the last few years, have remarked with a good deal of surprise, upon the little sign of drinking in the place. It is very

rare to see a drunken man here, and when a man is found drunk in the streets, it most often turns out that he brought his liquor with him. Our own people do not go in for liquor. We had workmen here last summer at the new mill, some of them pretty rough characters, and they would go to Bangor once in a while and get drunk * * * . There was a good deal of drinking here at one time. Liquor was sold in this house (a hotel) and it was sold in other places around here, and there were signs of drunkenness, and we had some of our citizens who were ruined by liquor. There was a good deal of lawlessness in the village. Since the enforcement of the law the village has amended greatly in these particulars. Our boys were in the midst of facilities for drinking and were growing up in rather a bad way. Any who will tell you the truth, will tell you that we have prospects of a good deal better citizenship now. The young men growing up in our midst do not know anything about this drinking; I think we have now one of the cleanest villages in the state. We have a large college here and we invite parents to send their children here, because there is no liquor. We tell them that it is safe for them here, so far as drinking is concerned * * * I am confident that the honest prohibition sentiment has increased. It is in a healthier condition now than I have ever known it, because we have proved that under it our people are prospering. When I came here it seemed as if the most of our people lived in rented houses and did not have particularly good houses, but even since I have been here, the village has prospered and the people own their own houses and are living better. I do not attribute all the material prosperity and the growth of the place to temperance sentiment, but no doubt it has had something to do with it, and this fact is shown in the better condition of the people * * * Some of these people would drink if it were right here before them, but they have not the opportunity of drinking now. The temptation of drink is removed from them and they are better people. Yes, that is matter of remark, and our people have improved materially * * * The moral and religious tone of the place has greatly improved within the last ten years, that is apparent and is common testimony. Our mill property has been enlarging; Mr. Dobson has enlarged his mill twice and there is another mill across the river. Our people are a sober and pious people. Temperance sentiment has increased, morality has increased and religion has increased. Religion has a broader flow here than it had ten years ago."

Rev. Dr. Randall (Methodist), is, perhaps, the oldest minister in Maine. He has lived in the state 65 years, and was in the active work of the ministry 55 years. He has had ample opportunities to observe the changes which have taken place in the state and to judge how much the prohibitory law has contributed to the improved condition. He said:—"Intemperance prevailed to a great extent before the enactment of the prohibitory law. Nearly everybody sold liquor then, restaurants and hotel-keepers. The condition of Maine was at that time what might be expected where intemperance prevailed, but very soon after the enactment of the prohibitory law, a change of things took place. The enforcement of the law stopped the sale of intoxicating liquors in the country towns and to a very large extent in the cities. We had I think three distilleries in Portland, and I do not know but we had more, before the prohibitory law was enacted. These were soon obliged to shut up and the enforcement of the prohibitory law made a very great change in the habits and morals of the people. There was a political change in 1857 and the prohibitory law was repealed and a license law was enacted. The effect of that license law was very soon seen by the increase of intemperance. Men commenced selling intoxicating liquors in the towns and in the country, and, of course, the result of that sale was very soon seen. A change took place when the prohibitory law was re-enacted. It was submitted to the people for their adoption, and it was adopted by a very large majority. Then very soon, owing to the enforcement of the law, a change took place and there was scarcely any liquor sold in the country places. Sometimes it is brought in by stealth but no person openly sells it. In three or four or five cities in the state the law is not so generally enforced as it should be, but where it is enforced the effects are very noticeable.

"It has been very well enforced in this city, I think, under the administration of our present sheriff. There is liquor sold in the city, there is no doubt about it, but it is not sold openly. The effects of the enforcement of the law are very visible. I think that in Augusta, Bangor, Biddeford, Lewiston, the law is not so well enforced as it should be, but when it is enforced its effects are seen.

"I have been chaplain of the House of Representatives for several sessions and was, I may say chaplain at the time the constitutional amendment was enacted. We do not expect that intemperance can be entirely subdued by law any more than theft or burglary, or other crimes, but that the law goes very far toward the suppression of intemperance is very evident."

Rev. Dr. Blanchard, Congregationalist, has resided eleven years in Portland. His church is, numerically, one of the largest Protestant churches in the city. He told the Commission that he is "not a prohibitionist in the sense that General Neal Dow is." He is opposed to saloons because they invite men to drink. He thinks the "government should have charge of so dangerous a traffic," and he inclines to favour some such system as that of Norway or South Carolina system.

Of the working and effects of the prohibitory law he said:—"My general impression is this, that the liquor saloon is more and more restricted and that there is a growing sentiment against the use of liquor because of these restrictions and because of the obliquy cast upon the man who sells liquor. You gentlemen can hardly understand it, who live in places where liquor is sold. I lived in Brooklyn and it was a very common thing to see men go in and out of the saloons. When I lived in that city and saw the open saloons there, and when I lived here I said there are many advantages on the side of the prohibitory law.

"So far as the enforcement is concerned I think that the law here is very well enforced. I was told, however, by a man in charge of a large hotel, 'I do not want to sell liquor, but my guests come from all parts of the world, and it seems my duty to sell.' A year later that man told me: 'I have made up my mind since the officers are enforcing the law, that I will not sell liquor as I do not propose to go to jail.' Therefore, I believe that the enforcement of the law stops the sale of liquor in our hotels and principal places of resort . . .

"My own impression, Sir Joseph, is that as a result of this law there is a steady decrease in the use of liquor, and a deepening conviction on the part of the community that it is a dangerous traffic to have liquor used . . . When I know how young men of our small towns are protected from liquor as they were not in former years, I say that there is a great advantage in the prohibitory law in protecting the young men as they grow up in the country districts. And the young men of the state, taken as a whole, clerks and young business men, accountants and the like, are he said, a sober class. They have more or less an abhorrence of the drink habit and I cannot help thinking after all my criticism of the prohibitory law that it has done a great deal to educate these young men to abhor liquor."

Rev. S. F. Pierson, for many years engaged in the city mission work, having been superintendent of Portland City Mission since 1878, is well acquainted with every part of the state. He has visited and lectured in every town of 1,000 people from Biddeford to Aroostook,and as closely observed the operations of the prohibitory law. In illustration of the lessening sale of liquors he said:—"There was an old gentleman here a few days ago who drove one of the early stages from Portland to Lewiston, thirty-seven miles. He told me that forty-five years ago there were forty-three places on the road where he could stop with his stage, either at the tavern or grocery store, or dry goods store, and procure all the liquor that any of his passangers might want, at three cents a glass, and they could help themselves at that price. After being absent from the city in Minnesota for a number of years, he wanted to see what the effect of the law was, and a friend and himself took a team in Portland and drove to Lewiston, and he said that he was unable to obtain one drop of liquor from the time he left this city until he reached Auburn."

He told the Commission that he is on the streets every day many hours, early and late, in pursuance of his duties as city missionary, and expressed surprise at the statement sometimes made that many drunken men are to be seen. He said:—"I

should like to illustrate how full our street are of drunkenness. I was standing in our door one day a short time ago, and a gentleman asked another how often the street cars ran to the observatory, and the man that he addressed answered him and asked if he were a stranger here and he said he was from Montreal. It was some few moment before the car was to come along and they entered into conversation, and this gentleman from Montreal, was expressing his admiration of the city of Portland and telling what a clean city it was. That was true of course, and this man that had given him the information said, Oh, there is not such a drunken place in all the country as Portland. I did not want the stranger to go off with such an idea as that. I spoke out and said, Look here, my friend, I think you are giving this stranger a wrong impression of the city. He said, Look here, Pierson, everybody knows what kind of a crank you are, and I am telling this man the truth. I said, Here is my horse and carriage, get into it and we shall drive to the Observatory and back again to the union station, and we will get out of the carriage and go to the station and drive around the city, and if you can find or discover one man who is intoxicated and not able to take care of himself, I will give you fifty dollars, and if you cannot do that you give the Gospel Mission a barrel of flour. That man, instead of getting into the carriage, started and walked up the street, and the gentleman from Montreal had a good laugh at his expense. The streets are not full of drunkenness, and the man who says so is very careless with the truth, or else he has got some selfish purpose that I cannot understand."

Of the educative effects of the outlawry of the liquor traffic on the young people of the state he said:—"At our camp at Sebago Lake, where it was presumed 10,000 people were assembled, I lectured on "Men Turned Inside Out," or the effect of alcohol internally and externally. That lecture was delivered to the juveniles. There were five or six thousand children eligible for membership. I asked the question, How many under fifteen years of age in that audience had ever seen a man who was so drunk that he lay down and was not able to control himself and rise, and out of the whole multitute there was but one who held up his hand. That is the educative effect, absolutely, of prohibition in our state."

Rev. Matt S. Hughes is pastor of the largest Methodist Episcopal Church in Portland. It is the largest Protestant congregation in the state. Having lived in licensed towns he was able to compare the conditions under license and prohibition, and his testimony in favour of the latter was strong.

Of prohibition in Portland he said: "I think it is a decided benefit to the city, My reasons for saying that grow out of my experience as a clergyman. It struck me as being a peculiar thing that under the present system here I did not know of a family in my church where there was an intemperate or drunken son. My church is the largest Methodist Episcopal church in the city, out of seven or eight. It is the largest Protestant church in the State of Maine. When I say that here in the city of Portland, with all the drawbacks that there are in the enforcement of the law, that I do not know of a family in my church where there is a drunken son, it seems to me a most remarkable thing. It is estimated, so the committee tell me, that we have 500 families who have church privileges in my parish, and since I have been here I have not been called into a home on account of liquor."

His statement about the young men of Portland was quite remarkable. He had, he said, intimate knowledge not only of the young men of his congregation but of the young men of the city generally, and he had been surprised to hear one gentleman say that the drinking habit was increasing amongst them. He said: "I have not, amongst the young men of my acquaintance one whom I would term an intemperate young man, and I do not know of one who is addicted even to the moderate use of liquors. That is among the young men; of some of the older men I cannot say so much. I attend our commercial travellers' banquet and a great many banquets in the course of the winter. I belong to the Masonic fraternity. I am a thirty-two degree mason and an Knight Templar, and I know the class of men you usually find around such places as these. There is scarcely any kind of an association of our city with which I am not more or less familiar. I may add that I make it a point to stand on the same ground on which other men stand, and I have given you

the result of my observation. I have a Sunday school of 950 scholars, and I never have had any difficulty in any way in my school on account of liquor.

From careful observation he had, he said, become convinced that the advantages of having no open saloons is abundantly apparent, and more than counteract all the difficulties of enforcement and more than counteracts the clubs and the illicit saloons of all kinds.

### CRIME IN MAINE.

In dealing with criminal statistics it has been found that those relating to the higher crimes are more trustworthy. It is very difficult to get at the actual facts about the minor offences, such as are dealt with by police, judges and by magistrates in towns, villages and country places.

For purposes of comparison police statistics are often almost valueless, because of the difference in police administration and in court record keeping.

The Commissioners have found it very difficult to make correct deductions from this class of statistics furnished them, including those of Canada.

### POLICE STATISTICS.

In any comparison of police statistics of Maine with those of any other state, or with those of Canada or any part of it, due consideration must be given to certain facts which appear to be peculiar to Maine. Men are arrested for drunkenness in Maine who would scarcely be noticed in many cities of the other states and of Canada. On this point much inquiry was made. The following quotations from the evidence show what the rule is.

Mayor Baxter, of Portland, said: "The police are ordered if they see a man intoxicated to bring him to the station. At the present time if a man gets intoxicated in one of these places where they sell liquor, they immediately put him out of doors, where he is seen. They will not allow him to lie around there, because they are afraid. So every drunken man gets out on the streets and is taken up. Formerly when these men got intoxicated they were kept on the premises or put out of sight, but now they are put out on the street."

Mrs. Stevens, of the W. C. T. U., said: "Men and women both are arrested here (Portland) under conditions that they would not be arrested in a licensed city. There are many, more or less, according to the number who get drunk, than there are in a license city."

Police Judge Andrews, Augusta, said: "We are strict here in arresting men. If a man steps cross-legged he is taken care of. All these cases (drunks) are carefully looked after by our police."

Mr. S. L. Carleton, one of Portland's oldest citizens, said he would expect the arrests for drunkenness in Halifax and St. John and other licensed cities to be less than in Portland. "When a man is drunk in Portland he is an eyesore, and everybody expects him arrested, and he is arrested. It is not so in licensed cities."

Insane people, truants from school and paupers are also included in the record of arrests, swelling the number considerably. It is clear that in comparing such police records with those of cities in other states, and also with such Canadian cities as Montreal, Toronto, Quebec, Hamilton, St. John and Halifax—where entirely different methods are in vogue—the foregoing facts must be kept in mind.

There are no reports showing the total convictions for drunkenness by police magistrates in Maine. The principal city in the state (Portland), however, does furnish a complete police court record.

According to the testimony of the police and police court officials in Portland, all arrests appear in the court record, including those persons who are discharged without being taken before the court. Of 1,313 cases of arrests in Portland, in 1892, 718 were discharged without being taken before the court. And cases occur in which a man arrested for drunkenness is tried also for two or three other offences, for disturbance of the peace, for resisting the police &c., and the court

record shows all the offences. Then, in making a summary of the court record at the end of the year, all these related offences, while given also in detail, are grouped under the head of drunkenness. For example, in the Portland city marshall report for 1892, 874 are grouped under the general head of drunkenness, while an accompanying classification of offences shows that the number really charged with drunkenness was 502. And the evidence of police officials shows that the number of persons arrested for drunkenness is not nearly so large as even the last quoted figures would indicate. Mr. Harmon, who has been connected with the police department of Portland for more than twenty years, told the Commission that he had noticed in recent years that the prisoners for drunkenness "are the same old crowd." "Take 100 men out of the city and lock them up, and there would be few drunks on the street."

### JAILS.

Maine's jail statistics are complete, every county that has a jail making a full return. The returns show not only the number in the jails at the end of the year, but the number committed whether for a day, or for a longer period, on suspicion, preceding trial or after sentence. The committals include persons convicted of drunkenness, those sentenced to state prison, tramps, poor debtors and rum sellers. The last three classes, which are not included in jail returns generally, made up more than one-fifth of the total committals to jail in Maine in 1892. Rum sellers alone were nearly one-tenth of the whole number. In any use which is made of Maine jail statistics account should be taken of the fact that so large a number of the imprisoned are violators of the liquor law, a class not found in the prison statistics of other states. General Neal Dow said one difference between Maine and other states is that "Maine sends rum sellers to jail, other states send them to Congress." There are no Canadian jail returns similar to those of Maine, and comparison is, therefore, impossible.

### CONVICTS.

The difficulties which have been mentioned as confronting the investigator who attempts to estimate the significance of the records of minor offences, and to make a comparison of them as they are found in different communities, or even in the same community under different administrations, do not exist to the same extent in the records of the higher crimes. Most communities are in substantial agreement that felonies should be punished by long terms of imprisonment. It is easy to ascertain the number of convicts in a state, a province, or a whole country. The reports of penitentiaries and states' prisons may, therefore be taken as indicating, with a good degree of accuracy, the actual prevalence of serious crime, and may, generally, be safely used for purposes of comparison.

Maine's convict record is lower than that of any other state in the union, and much lower than that of Canada. And its tendency is steadily downward. The state prison report for 1892 says: "The number of convicts has not been so small for many years. The average this year is sixteen less than last year."

Mr. C. W. Jones, chairman of the state board of prison inspectors, gave evidence before the commission of Augusta, and said that for a number of years there has been a marked decrease in the number of convicts in the State prison. He added: "We have at the present time the smallest number of convicts in the Maine state prison for any time over thirty years. Two weeks ago we made an official visit to the prison, and we had only 121."

And this low record would be still lower but that capital punishment was abolished in Maine many years ago, since which time, those who in most other states and in Canada would have been executed, are life convicts in the state prison. There are now forty of them. Deducting these, a comparison of the records of Canada and Maine shows that Maine has, in proportion to population, little more than half as many convicts as Canada. Canada in 1892 had one convict for every 3,989 of population. Maine, in the same year, had one convict for every 6,959 of population.

PAUPERISM.

The statistics of pauperism, like those of crime, and for the same reasons, are quite untrustworthy, especially for purposes of comparison. No two states have the same system, in every respect, of caring for their dependent poor. The only comparative figures of pauperism in the United States, the Commission was able to get, are those based on the census returns. They do not show the actual pauperism in the various states, but only the number of paupers found in the almshouses on the day the census was taken. In some states there are many almshouses, in some very few. The states, therefore, which have most fully provided for housing their poor will appear to have more pauperism than those states which have not made so ample provision, though, as a mattter of fact, they may have much less.

Maine is said to have more almshouses according to its pauper population than other states, and it is claimed is more careful and stringent in insisting that all the pauper shall be kept in almshouses. Being housed, the pauperism of the state appears at its largest in the census and other official records, which is not true of many other states, perhaps not of any. The census figures, which are the only ones available for comparison, and which, for the reasons stated, must be somewhat to Maine's disadvantage show, however, that its pauperism decreased more in the ten years from 1880 to 1890 than that of any other state in New England group of states.

Maine has not a large proportion of pauperism, and it is not all general, as evidence heard in the state shows, and its paupers are well cared for. A few quotations from the evidence will throw light on this part of the investigation.

Col. Fred Dow, collector of customs at Portland, said:—"In 1850 we had (in Portland) a population of 20,000 and the total number of inmates in the almshouses was 116. That was the year before the prohibitory law. To-day the total number in the almshouses is 135 and the population is, I believe, 37,000."

Mr. C. H. Baker, who has for many years been secretary to the board of overseers of the poor in Portland, told the Commission that any increase of pauperism in the city had been altogether amongst the foreign population. "The paupers of our native population have decreased rather than increased during the last ten years." He also said :—"Maine has more almshouses in proportion to her population than most any other state in the union, and they pretty generally insist that persons who are supported entirely at the public expense shall be supported in the almshouses. Some other places have not so many almshouses in proportion to their populations, and they are not so stringent in enforcing the idea that their paupers shall be supported in almshouses."

Mr. Baker, later, furnished the Commission with a statistical table of pauperism, which shows that about 75 per cent of those assisted are of foreign birth or descent, and are enumerated as Irish, Swedes, French, Portugese, Germans, Danes, Poles, Russians, Dutch, Prussians and Norwegians. Accompanying Mr. Baker's tabular statement was the following explanation: "In the total number of persons mentioned as being assisted each year, is included all those persons contained in the families of outside poor, all who for each year were inmates both of the house and hospital, for a longer or shorter time; all whose expenses were paid by the city who were patients in the insane hospital; all persons whose transportation out of the state was paid by the city. In fact it comprises the whole number of persons who in any way were, during each year, assisted in a greater or less degree at the public expense."

Mrs. L. N. Stevens is the corresponding secretary for Maine in the national conference of charities and correction, and has for several years given much attention to this subject, with specially favourable opportunities of becoming acquainted with the actual facts. When she appeared before the Commission she had just returned from the Chicago conference, where she had reported the charitable societies, the correction societies, and the jails and prisons of the state. She said she had been able to report 57 Maine towns which have neither an almshouse or a single pauper. She did not get her statistics from the census, but by writing and personal investigation.

She said:—" I wrote to every town, and I also visited every jail and got statistics direct from every jail. I know that we have paupers whether we have a prohibitory law or not, but I believe that the prohibitory law lessens pauperism. Certainly in three-quarters of the towns in the State of Maine no liquor is sold, and I have seen young men and young women who say they have never seen a drunken man. I have been for many years in the conference of charities, and it seems to me that we have been able to give a better showing in the care of our dependent classes in the State of Maine than any other states have."

### ILLICIT LIQUOR SELLING.

That sales of liquor take place in Maine is not denied by anybody, the most enthusiastic friends of the prohibitory law freely admitting that they are frequent violations of the law. They claim, however, that liquor selling is greatly diminished, that the difficulties attending the traffic are many and great, that the class of people engaged in the illicit traffic is the class which includes the violators of all other laws, and that the crimes and offences of various kinds which everywhere result from the liquor traffic are reduced to a minimum in Maine.

The population of the state is 661,086. There are twenty cities having an aggregate population of 195,000. Over 70 per cent of the state's population is in country, villages and towns. It is declared by many, and not denied by any that, in fully three-fourths of the state the prohibitory law is as well enforced as any other law, and that the effects are most beneficial. The difficulties of enforcement are in the larger cities, as Portland, Lewiston, Bangor and Biddeford. Brief references to these cities, and the conditions in them follow.

*Portland.*—Portland is a seaport, and has the class of population peculiar to every seaport. Of those who offend against the law, Judge Gould says:—" Ninety per cent of those charged with liquor selling are foreign born or of foreign parentage; and 70 per cent. of the drunkards are foreign." And yet there was strong testimony to the effect that, notwithstanding violations of the law and the necessity of constant vigilance on the part of the officers to prevent flagrant violation, prohibition in Portland has been as effectual as could be expected, and has resulted in much benefit to the city. It is in evidence that the arrests for all offences are scarcely more than one-third of what they were twenty years ago, and this improved condition is attributed to the prohibitory law.

*Lewiston.*—Lewiston has the difficulty that to a large section of its present population the prohibitory law is distasteful. Within a few years there has been a large influx of French-Canadians, who find employment in the factories of the city. Since 1890 the French population has increased 4,000. Fully one-half of the population of the city is foreign-born, one-third of the whole being French. The control of the civic administration is now practically in the hands of this class of the population. However much good may be said of them as industrious and well-ordered citizens, it is freely admitted that, having always previously lived in a province in which the liquor traffic is but slightly restricted, when restricted at all they are naturally antagonistic to the prohibitory law, and do not easily reconcile themselves to its enforcement. Evidence given before the Commission is to the effect that much of the violation of the law is by, and to meet the demands of, the French population.

Mr. Newell, an ex-mayor of Lewiston, referring to this, told the Commission that:—" These French and Irish people look at the subject of selling rum different from what a Yankee does, who is raised in the country. It is absolutely impossible to prevent these people from selling rum, educated as they have been, they see no reason why, if they want a glass of liquor, they should not take it. In Auburn now, there are no French people, there are few Irish people, and most of the people are American born." And he added, "There is very little liquor selling in Auburn."

Rev. G. M. Howe, one of the oldest pastors in the city, said:—"The liquor selling business is in the hands of the French and Irish almost exclusively. I do not know of any American, so called, in this city, except one, whom I ever heard mentioned in connection with the liquor business."

The Deputy City Marshall, himself a Frenchman, said:—"The arrests for drunkenness last year were half Irish, one-fourth American and the balance French and German."

But, despite the difficulty explained, the burden of the testimony given in Lewiston is to the effect that liquor selling is much hampered, and that good results follow. Even those witnesses who were least favourable to the law frankly admitted that good had been done by what they regarded as very imperfect prohibition.

Attention having been directed to a newspaper statement that a large number of seizures of liquors had recently been made, Judge Cornish explained to the Commission that the number of seizures is no indication of the number of persons or places selling. He said:—"If a man is selling liquor here he might order from Boston at night and again to-morrow, and so on, and a dozen or twenty seizures of prckages may be from the same person. Nor does it indicate a large consumption."

To the foregoing may be added the testimony of Senator Frye. In a letter from Lewiston in the autumn of 1891, referring to the state fair then being held there, he wrote:—"Four days of the fair have now gone. There is an immense crowd here. Not a liquor shop to be found; not the slightest sign of gambling; and I have not yet seen a drunken man, notwithstanding tens of thousands of people are present.'

*Biddeford.*—Biddeford has the same difficulty of population as Lewiston. It is, besides, very near to Boston, which makes violation of the law much easier. The mayor of the city told the Commission that there is no open sale of liquor; whatever sale there is, is "what we call the bottle and kitchen business." And the city marshall said, "In justice to Biddeford, I should say there is as little liquor sold here as in any city in the state. Under the system of prohibition there is much less sale of liquor than there would be under license. There was more drunkenness 15 or 20 years ago than there is now," though the population has considerably increased.

*Bangor.*—Bangor has the distinction of being the only place in the state in which there is anything like open violation of the prohibitory law. The witnesses examined there were in substantial agreement as to the causes of the weak enforcement of the law. The situation, as they view it, was very well stated by Judge Vose, who said:—"Public sentiment is all right, but we are so nearly divided in politics that it is difficult to enforce it. It is well settled that the policy of the Republicans is and has always been to support the prohibitory law. The policy of the Democratic party has always been to oppose it. We are so nearly divided in politics that if, as Republicans, we should undertake to enforce the prohibitory law strenuously, the result would be that the administration would pass into the hands of the other party, and then prohibition would go by the board at once. That is honestly the reason, and I do not care what any man may say about it to the contrary. The truth is that the liquor vote controls the balance of power between the two parties, and if the Republicans undertake to enforce it to an unreasonable extent we should lose power. It would be no advantage to prohibition to have the political power thrown over to a party that does not believe in prohibition. If the Democrats had power, they would have a license law or some other law which might lead to free rum."

In support of the statement that public sentiment in Bangor is in favor of prohibition, the fact is cited that the people, when voting untrammelled by party exigencies, gave a majority in favour of the prohibitory amendment to the constitution of the state.

Bangor is the headquarters of the lumber business of eastern Maine. A great many lumbermen congregate there and remain during a considerable portion of each year; many of them are given to drink and are free spenders of money. It is also stated in the evidence that Bangor has more sailors than any other town in the state; and during the winter a large number of "ice-men" live there. Both these classes, as the lumbermen, are fond of liquor and furnish a strong inducement to violations of the law. The chief cause of the toleration of the violations, however, is evidently the political one mentioned by Judge Vose and other witnesses.

As showing the effects of the lax enforcement of the law, attention is directed to the fact that the ratio of drunkenness and offences and crimes of all kinds is larger in Bangor than in any other part of the state. It is, also, suggestive that of 50 poor debtors confined in the jails of the state in 1892 Bangor contributed nearly one-fourth of the whole number. In the same year Portland, the largest city, sent 213 men to jail for drunkenness, and Bangor, with less than half the population of Portland, sent 456.

Outside the cities named, in which occur such difficulties of enforcement as have been explained, the law works with scarcely, if any, more friction than any other law of the state; nor are there more infractions of it than of other laws. The testimony on this point is quite uniform, to which reference will be made further on.

### THE STATE AGENCY.

A feature of the Maine law which is a weakness and exposes it to abuses is that by which the state liquor agency is established to furnish municipal officers of towns in the state, and duly authorized agents of other states, with pure, unadulterated intoxicating liquors for medicinal, mechanical and manufacturing purposes. The sometimes lax administration of the state agency and the local agencies defeats, in some degree, the objects of the prohibitory law, and makes occasion for attacks upon it. But the feeling against the agency is evidently growing. Governor Cleaves, in his address to the legislature, January 5, 1895, says:—

"With the continued advance of the cause of temperance in our State, and under the influence of a strong public sentiment, aroused and strengthened by our various temperance and Christian organizations, the city and town agencies have been gradually reduced; and in 1894, in the four hundred and thirty-eight cities and towns in the state, only twenty-three agencies were in existence."

The law regulating the liquor agency business is, in the view of the governor, quite inadequate in many respects, and he recommends changes that will prevent the abuses that now sometimes occur. He says:—"If the state is to continue the maintenance of a state agency, and authorize city and town agencies, more stringent legislation regulating the same should be enacted; we should recognize that these agencies are established solely to provide pure liquors, strictly for the purposes contemplated under the law sanctioning their creation. * * * I recommend that either the state liquor agency be abolished, or that appropriate legislation be enacted in the direction indicated." * * * *

"Permit me to suggest if legislation be contemplated in the latter direction, it should be guarded by the most inflexible legal restrictions; regulations should be established for proper tests as to the purity of the purchases, after their arrival in this state; the profits of the cities and towns should be limited to a sum not in excess of the actual cost of maintaining the agency; such agencies should be continually subject to inspection by a competant essayer; and absolute power should be conferred upon the courts to summarily close any ageney, should it be found upon investigation that it was not being conducted strictly in accordance with the intention of the statute.

"Whatever action you may deem it wise to take, it should be with a purpose to promote the cause of temperance in the state and remedy existing conditions."

### STATUS OF THE TRAFFIC.

One effect of the prohibitory law is manifest in the changed status of the liquor traffic in the state. Such expressions as: "No respectable man in Maine wants to be known as a liquor-seller," and "A liquor-seller in this state is a name that is nauseating" were frequently heard. The outlawry of the traffic has degraded it, so that no one with any pretensions to respectability, no one who is not willing to take the risk of being sent to jail, will have anything to do with it. There was much evidence to show that those engaged in illicit liquor-selling are of the class

found everywhere, whose instincts, associations and habits are criminal, and who, wherever they are, are as ready to violate laws as good citizens are to observe them. "The liquor traffic which once flaunted itself in the public gaze has," says ex-Governor Burleigh, "been driven into dark corners. Popular sentiment and constitutional law are alike arrayed against it."

### THE TRAFFIC'S METHODS.

The methods resorted to by the illicit sellers show how seriously the traffic is hampered by the prohibitory law. "It is almost as difficult," said one witness, "for many persons to get liquor here as it would be for them to work themselves into a masonic or Oddfellow's lodge. They have got to be known, and the sellers have to understand that they are perfectly safe in selling to them."

This statement was quite generally concurred in. General Dow related this incident: "A gentleman, a professor in medicine, wanted to find out how it was about the liquor sold in Portland. He enquired in Center street; his wife was on one side of the road and he was on the other, and he went into a shop where it looked as if they might sell liquor. He said he wanted whisky and the man behind the counter said he did not sell any. He said: 'I am a stranger and you will have no trouble with me—I want a glass of whisky.' He went to several places and they all told him the same story that they sold no drink. In the sixth place he went they said to him: 'Do you see that shop on that corner? Jack Hinchey keeps it there; go over and tell him that Jim Coady sent you over to get a glass of whisky.' He went and said that Jim Coady sent him over to get a glass of whisky, and the fellow in that place said: 'Why didn't Jim Coady let you have the glass himself, he has more of it than I have.' That is the way the liquor is sold under prohibition."

Rev. Dr. Blanchard related his experience in endeavouring to locate a place of sale in Portland, having been told that any one could get liquor there. He said: "We got there and went to the door but there was no response. We got to a little room where there was a counter and nothing else, and close by the counter there was a door and in the door a kind of an opening, and evidently any person who was in there could take observations so as to know who we were. Of course, when they saw the Marshall and myself no one was visible inside and there was nothing to be seen there."

City Marshall Trickey, of Portland, explained the pocket peddling business. It is carried on by men and women, and sometimes by their boys under their directions. "They go into yards and alley-ways and hail men, asking if they do not want a drink." There are some families, he said, in which the desire to sell liquor seems to be hereditary; "The father sells, and gets arrested and is sent to jail; then his wife will take up the business, and she is sent to jail; the boys then take it up, and they all get run in some times." "They all expect to spend part of their time in jail. They are the most disreputable citizens."

The Deputy City Marshall of Lewistown said there are no open bars here the same as you have in Montreal." The man who seeks to carry on illicit sale has a back room "with thick doors about six or seven inches thick and bars on that door; and they generally know their customers pretty well, and they open the door for them when they want a drink. They have a little hole to peep through, and if they know their man they will open the door for him and let him in, and then they will pull down the bars on the door."

They have, he said, connection between their rooms and the sewer, and while an officer is attempting to get entrance through the strong door they empty the liquors down the sewer. The stock in any case is necessarily small, the business exceedingly precarious, and the people engage in it of the "baser sort."

Again and again witnesses directed attention to the dfference between this illicit traffic, carried on in but a few places in the state and, at most in a very small way, and only by the criminal class, beset with the greatest difficulties and regarded by all reputable citizens as a degraded thing, and a liquor traffic authorized and

open, making itself attractive and having standing and influence in the community because of its legal status and its contributions to the municipal revenues.

Having in mind the facts about the extensive illicit sales in communities where the liquor traffic is licensed, it seems clear that the illicit traffic under prohibition, carried on as described above, is not nearly so great as it would be if some thousands of licensed saloons were established in the states.

### PAST AND PRESENT COMPARED.

To know exactly what prohibition has done in Maine, it is necessary to compare the condition of the state prior to the enactment of the prohibitory law with its conditions since the enforcement of prohibition. Ex-Governor Dingley has done this in the following statement:

"In 1830 13 distilleries in the state manufactured 1,000,000,000 gallons of rum (2 gallons to each inhabitant) together with 300,000 gallons imported—not including cider and other fermented liquors. Now there is not a distillery or brewery in the state. In 1833 there were 500 taverns, all but 40 of them having open bars. Now there is not a tavern in the state with an open bar, and not one in ten of them sells liquor secretly. In 1830 every store sold liquor as freely as molasses; now, not one.

"In 1832, with a population of only 450,000, there were 2,000 places where intoxicating liquors were sold—one grog shop to every 225 of the population. Their sales amounted to $10,000,000 annually or $20 for each inhabitant. Last year the aggregate sales of 100 town agencies was $100,000, or 15 cents per inhabitant. Including clandestine sales, even the enemies of temperance do no claim that the aggregate sales in the state exceed $1,000,000., less than $2 per inhabitant. This is but *one-tenth* what the sales were forty years ago, and but *one-eighth* what they are on the average in the remainder of the Union, which is $16.00 per inhabitant. Liquor selling is almost wholly confined to the five or six cities of the state, so that hard drinkers are compelled to journey thither for their drams. Hence most of the drunkenness of the state is concentrated in those cities where the police arrest all persons under the influence of strong drink, making the number of arrests for drunkenness seem large in comparison with the places where few arrests are made for that offence.

"In 1855 there were 10,000 persons (one out of every forty-five of the population) accustomed to get beastly drunk; there were 200 deaths from delirium tremens annually (equivalent to 300 now); there were 1,500 paupers (equivalent to 2,200 now) made thus by drink; there were 300 convicts in the state prison and jails (equivalent to 450 now); and intemperance was destroying a large proportion of the inhabitants and of the homes throughout the state. Now not one in 300 of the population is a drunkard—not one-sixth as many; the deaths from delerium tremens annually are not 50; and criminals and paupers (not including rum-sellers) are largely reduced, notwithstanding the great influx of foreigners and tramps."

### EVIDENCES OF OPPONENTS OF THE LAW.

The preponderance of evidence heard by the Commission is strongly in favour of the prohibitory law, and corroborative of Governor Dingley's statement. Of 88 witnesses heard in the state, 22 expressed opinions more or less unfavourable to prohibition. Nineteen of the twenty-two said they had never regarded the law with favour, and had always voted against it when opportunity offered. The other 3 expressed opposition to prohibition only to the extent that they favour a system of rigid license for large cities, with a local prohibition option proviso. It is worthy of note, also, that nearly every one of the 22 stated that prohibition had done good in the state at large, and not one favoured the repeal of the law as applied to the whole state. The following quotations from the evidence of these gentlemen.

Ex-Mayor Newell, of Lewiston, said: "I think the prohibitory law, so far as the country portion of the state is concerned, is a success."

Mayor Staples, of Biddeford, said: "I should say that one effect of the prohibitory law has been to prevent the sale of liquor in small villages. There is not much, if any, liquor sold in villages throughout the country."

Mayor Beal, of Bangor said: "My knowledge of the rural districts, so far as it goes, is that the prohibitory law is enforced in them, and that it works well. * * * There are a good many towns of 1,000 or 2,000 inhabitants where there is no liquor to be had."

Mr. P. H. Brown, Portland, said: "I may say that there is less drinking amongst boys than there was before—that is, 25 or 30 years ago, when I was one of them myself. * * * I think it (the prohibitory law) has had a good effect in the country districts. It has stopped the bar room loafer, who used to be a very prominent element in our Maine towns and in New England. * * * I should say without hesitation that the law has done extremely well for our country towns."

Sheriff Norton, of Kennebec county, said: "Outside of the cities there is very little liquor sold." And in the cities, he said, "it has had a tendency to check the sale."

Mr. E. B. Winslow, Portland, said: "I can only judge from my travels about the state. In the country districts I think the prohibitory law has done a great deal of good. * * * In the country towns the man who goes into the liquor business is very soon found out, and he is punished and the sale is stopped. We call them country places, but that includes all large districts as well as the central villages and towns."

Hon. C. F. Libby, who is one of the strongest opponents of prohibition in the state, said: "I do not question the possibility of restricting the liquor traffic. I realize its evils as much as any one. The prohibitory law does restrict the traffic, but it does not accomplish what it purports to do. * * * I do not say that the prohibitory law does not accomplish anything in the sparser towns, but when you come to deal with this evil in thickly settled communities, especially where there is a foreign element, the position is different. * * * If you take Lewiston, where the French-Canadians come, and Bangor and Augusta and Waterville, the conditions of life are very materially changed on account of the large influx, mostly of an operative class, of foreign birth."

Hon. George P. Westcott, Portland, said: "As I understand it, there has been less drunkenness in the country districts, from the fact that it is more difficult to get rum. Public sentiment in the country districts is against rum, and men do not drink so much there as they formerly did. Some men are good temperance men so long as temptation is kept away from them, but when temptation is brought before them they cannot stand it. In the country districts I think the law has been efficient in keeping away the temptation, and they have made temperance men because they made it impracticable to get rum in these districts."

Mr. B. C. Stone, clerk of the Supreme Court said the general effect of the prohibitory law in the state has been good. He said: "I think that throughout our country towns prohibition has worked nicely. Where liquor used to be sold indiscriminately no liquor is sold there at all now. Of course it is a difficult matter to enforce prohibition in towns of a large size. The prohibitory law works similarly to our laws against larceny and against all other crimes."

Mr. John Mulvaney, of Bangor, who was unable to say that the law had done much, if any good, gave this incident in his personal experience: "You take the city of Portland, where the law is in force, there is a town in which it was pretty hard to get a drink of liquor at one time. I was taken ill in the Falmouth hotel and I sent to the clerk for come brandy, but I had to send for a doctor and get his prescription before I could get a half pint of brandy.'

Similar statements might be quoted from the evidence of others of the witnesses who, for one reason or other, do not approve of the prohibitory law. The foregoing, however, suffice to show that even the opponents of prohibition admit that its effects have been beneficial in the state as a whole.

## OTHER WITNESSES.

Three fourths of the witnesses heard by the Commission unhesitatingly endorsed the prohibitory law as a blessing to the state. The following extracts from the evidence of a few of them may be regarded as representative of all the views expressed and their reasons for them.

Hon. Hiram Knowlton, a barrister of high standing, a gentleman who has occupied official and representative positions in the state, said: "I have always resided in Maine, and have done more or less business in every county and in all the towns of any importance, I believe. I have observed something of the operations of the prohibitory law. I remember quite well when the first Act was passed * * * I think it is enforced as well as any other law against crime in the state of Maine. I think the other criminal laws in the city of Portland, are violated as much as the liquor law * * * There is not another place that I know of where the prohibitory law is fought so vigorously as in Portland, and the opposition to-day have aid from outside. There is no question about that. I do not entertain any doubt, but, that it has met more serious opposition here than anywhere else. I do not look at the effect of the law in the city of Portland alone, and offer my opinion as to the wisdom of the law on that; but I look at the effect of it upon the whole state, and how it is for the entire state, and I compare it with other places where they have not had prohibitory laws, and I do not hesitate to say that the prohibitory law has been decidedly beneficial to the state of Maine."

Sheriff Cram, of Cumberland county, which includes the city of Portland, being asked if the law benefited the state, said:—"Most decidedly, and I will tell you why. I was born 33 miles out of the city, in the little town of Baldwin, about the time that the first Maine law was enacted. Prior to that in this little town there were something like six taverns where liquor was sold in large quantities; and where you would find one of these houses, you would find the neighborhood very poor. Knowing this country all my life, and passing through it recently I could see that no liquor was sold there now, and the state of things was very much better. In fact I may say that, comparatively speaking, there is no liquor sold in any of these small towns. You would not in some of them be able to buy a pint of any kind of hard liquor for a large sum of money. You might go through ten of these towns in the northern part of this county and not be able to get one single pint of liquor, whereas in that little town of Baldwin, before the law, it was sold by barrels, hogsheads and puncheons * * * There is a great improvement in their condition. In the place I speak of, at that time, land was new and it was a good agricultural portion of the county. They had timber to sell and various things on the farm which produced an income; the land produced wheat, rye, oats, barley, potatoes and Indian corn in abundance, We had no weavel in the wheat then and things were flourishing, but, nevertheless, the houses around there were not painted, the windows were broken, and the people wore old clothes; while on the main road now you will see newly painted houses and the people looking thrifty and clean. In this respect I noticed a change and which I can hardly describe. The Maine law may have done it, or it may not have done it, but it is the only way I have to account for it."

Mayor Baxter, of Portland, who carries on one of the largest businesses in the city, and is one of the largest property owners, said:—I think the prohibitory law has done a great deal of good in this city. It has rendered the traffic in intoxicants disreputable, and no respectable men are inclined to undertake the business. It has had that effect. Of course it does not prevent drunkenness, for men who are inclined to drink will get it in some way, but it has driven the liquor traffic into out of the way and disreputable places. There are no open saloons in Portland. There are places where liquor is to be found, but it is sold in secret and I should say almost altogether from the pocket."

Being asked if the law may not have hindered immigration into the state, he said:—"I do not think it has hindered people from coming here. I can give you a case of one young man who came out here who drank to excess in England, and he came here because there was no liquor sold. He has not the temptation now of saloons

and he has become very prosperous in this city. He told me he came here simply because he heard of a prohibitory law."

Mr. S. L. Carleton, who has lived in Portland forty-eight years, speaking of the condition of the city and state before prohibition, said:—"Up and down this very street, there were rum shops wholesale and retail. Every grocery store in the state of Maine was a rum shop. We had one little town called Westbrook, and the like of it in any state was not to be found for poverty. They hauled their lumber in here from day to day and sold it, and they brought back in return hogsheads and barrels of rum and gin, and brandy, and they were consequently badly off and it was a poor miserable place. To-day, under the prohibitory law, it is one of the most prosperous places in this state or in any other state * * * When I came here (Portland) there were seven distilleries and breweries in this city and immediately around it, and now there is not one."

Mr. A. T. Adams, who has lived in the state all his life, has been in nearly every part of it, and has forty years memory of its history, said:—"There can be no question, I think, if you were to ask the people who have lived in the state right along, you would find three-fourths of the people would agree that, while the prohibitory law has not totally prohibited liquor, it has lessened the sales of liquor very much. I heard a sheriff say, a short time ago, that it had decreased his business in the last decade more than one third, showing that instead of the law becoming less effective, it is more effective. * * At first when it was the law it did not have the endorsement of the people, and there was a strong sentiment against making raids on liquor sellers. The persons who seized a liquor seller were in a sense boycotted, but that sentiment has changed, so that the best citizens in almost any community would have no hesitation in assisting the officers in searching and seizing and enforcing the law. The law itself, by its enforcement, has helped to bring about the changed state of feeling."

Mr. A. L. Bangs, Augusta, a business man of wide experience, and a close observer, and who was at one time in favour of a high license system, said—"I have been in active business since 1865 employing men. I have visited all parts of the state in the line of my business, coming into contact in a business way with all parties in all parts of the state. I also come into contact with people in Massachusetts, Connecticut, New York and Rhode Island once a month at least. I have had an opportunity of seeing the working of the prohibitory law in all parts of the state and to compare it with the license system. There were six months when I stayed continuously in Connecticut under high license.

"I find in my observations that there is a difference in the temperance sentiment in the state of Maine in the last twenty-five years so decided that it is perceptible to any casual observer who will compare the two periods together. Not only that but in the customs of the people as compared with twenty-five years ago, and in the customs of all our gatherings as we come together, and in the customs of families at their own tables there is a difference in the temperance sentiment so decided that no one questions it in the state of Maine. That the prohibitory law is a benefit to the state of Maine in every possible way you can speak of it, both in regard to its business and from a moral standpoint, there is not any question. I say this because I have come into contact with the people all through the state, and this is especially the case, as you have been told to-night, in the rural districts, from which our best quality of citizens come. The rural population come in and make the best quality of our city population. That population comes in, respects the law and helps to protect it.

"As to the population that has been brought up in foreign communities where there is no prohibitory law and where they have been educated in another way, they come largely to our cities and to our centres of population, where manufactories exist, and they are not generally supporters of the prohibitory law. It takes them quite a long time to get hold of the idea which we in Maine have been brought up to from our childhood. The foreign population are those which have been a menace to the prohibitory law. It is not the educated citizens of Maine generally who are

opposed to it. Of course there are those who believe that a high license law would be preferable to a prohibitory law, and I know that they are honest in their opinions. I used to think so myself.

"If you will allow me to make a statement perhaps it will throw a little light on the question of crime as you have it there. Of all the indictments in the county of Kennebec, and that is a good county to work from to make any comparison with, and of all the convictions for crime, more than three-fifths of them are for liquor selling. We prosecute them for selling liquor and they are our criminals * * * They do not prosecute them for selling liquor in many of those states you have mentioned. Here we prosecute one class as criminals that another state allows to go scot free, and you can see at once from our showing of criminals that the crime of liquor selling comes within that. I think you will find that other crimes such as house breaking and high crimes would be very few."

Many statements, substantially the same as the foregoing, may be found in the evidence of three-fourths of the witnesses who appeared before the Commission in the state. It is not necessary to quote them here.

### GEN. NEAL DOW.

The evidence of Gen. Neal Dow should be read. It will be found at page 445 of the evidence taken in the province of Quebec, and at pages 449 and 472 of the Maine evidence. The "father of the Maine law," and closely and actively associated with the prohibition movement from the first, his statements are entitled to the greatest respect. On March 20th of last year Mr. Dow celebrated his ninetieth birthday. Many of the letters and telegrams of congratulation that poured in upon him were really testimonies to the value of the legislation which he had initiated.

### THE CONSTITUTIONAL AMENDMENT.

The people of Maine may be regarded the best judges of the prohibitory law and its effects. They have on several occasions declared their judgment of the law, their approval of it being with increased emphasis on each succeeding occasion. Enacted first in 1851, the law was repealed in 1856. After another short experience of license, the prohibitory law was re-enacted and then ratified by a vote of the electorate, the majority being 22,952. It came into operation in 1858. For several years there was more or less agitation for its repeal, one of the chief political parties favoring the repeal. But several years ago repeal ceased to be a part of the avowed policy of that party, it having become apparent that legal prohibition of the liquor traffic was the fixed policy of the state, regardless of what either political party might desire. After having had statutory prohibition from 1858 to 1884—26 years, the people were asked, in 1884, to vote on the question of making prohibition constitutional. The vote polled on this question was the largest ever given in the state on a constitutional amendment, and the majority in favor of constitutional prohibition was 47,075.

In the 1895 session of the State Legislature a Bill to provide for the re-submission of the question of constitutional prohibition to the people was introduced. The friends and advocates of a license system used all their influence in its favour, but it was defeated by a vote of 114 to 13.

These things show that the people who know most about the law, who are thoroughly acquainted with its merits and its defects, have become satisfied from long experience that the most satisfactory way to deal with the liquor traffic is to legally prohibit the manufacture, importation and sale of liquors.

### TESTIMONY OF THE GOVERNORS.

The governor of the state is elected by popular vote, and presumably represents public opinion on all matters of general concern in the state, particularly those which may be effected by legislation. Having this in mind, your Commissioner

obtained certified copies of the references to prohibition contained in the official addresses to the legislature of the state made by gentlemen who have occupied the high position of Governor of Maine since the prohibitory law came into operation. They are so important and voice so clearly the public sentiment of the state on this question, that any statement about prohibition in Maine would be incomplete without them. Special attention is, therefore, directed to them. (See Vol. 5, Appendix No. 169.)

### MR. CARSON'S STATEMENT.

Subsequently to the Commission's examination in Maine, a statement was received from Mr. Kribs, agent of the brewers and distillers in Canada, who accompanied the Commission, setting forth his observations in the state, which statement is published with the evidence. Your Commissioner requested that Mr. Carson, the represensative of the prohibitionists of Canada, who, also, was with the Commission in Maine, be permitted to make a statement of his observations in the state. His statement was not received. Believing it only fair that Mr. Carson's evidence should be received, your Commissioner examined him under oath. His examination was as follows:—

"Q. You were with the Royal Commission, Mr. Carson, during the investigations in Maine in June and July, 1893? A. Yes, as the representative of the temperance people.

"Q. How long were you in the city of Portland? A. Ten days.

"Q. During that time did you make any personal investigation as to how the prohibitory law was being observed in that city? A. I did. While not engaged in attendance at the sittings of the Commission I was constantly on the look-out to see if I could discover any place where liquor was being sold. I visited all the hotels, I believe, a large number of restaurants of various classes, cigar and soft drinks shops, drug stores, places where one would naturally expect to find liquor for sale, if any was being sold; and during the whole of my stay in Portland I did not find one place in which I could discover that liquor was being sold.

"Q. Did you try to purchase any liquor yourself? A. I did, several times, but was always informed that they had none.

"Q. Did you hear it said that liquor could be had in many places in Portland? A. Oh, yes; Mr. Kribs was frequently informing me to that effect. I was anxious to know where and how the illicit business was done. I asked Mr. Kribs to come with me and show me where liquor was being sold, just to convince me of the truth of his statement. I promised I would make no other use of the information. His reply was "Oh, I don't care to go with you."

"Q. Was that the Mr. Kribs who represented the brewers and distillers during the Commission's investigation? A. Yes.

"Q. Did you not see liquor sold in the city agency? A. Yes, I should have made an exception of that, but, of course, under the Maine law the sale of liquor at the agency is legal.

"Q. Did you carefully examine into the working of the city agency? A. I did. I made several visits, and watched its workings, and I believe that this place, as it was being conducted while we were there, was, in itself, sufficient to destroy, to a considerable degree, the beneficial effects of the prohibitory law. The freedom with which any one could be supplied with liquor there made it surprising that so few cases of arrests for drunkenness were brought before the police courts.

"Q. You consider the city agency is a weakness to the prohibitory law? A. Most certainly, as conducted when I saw it. The wonder to me is how prohibition has accomplished so much in Portland if the agency has always been as it was when I saw it.

"Q. The intention of the law in providing for such places as the agency was, we are told, that only liquor to be used as medicine, or for mechanical purposes was to be sold? A. Yes, but it did not appear to be confined to those purposes in Portland when I was there.

"Q. A prohibitory law, then, to be effective, should, you think, provide some other method for supplying liquor to be used for permitted purposes? A. Very great care should be taken at this point, as so much depends upon the conscientious discharge of this duty.

"Q. Did you notice many drunken people in Portland? A. Only one person during the ten days.

"Q. Did you make any effort to get liquor in any other city? A. In Augusta we were informed that any one could get all the liquor he wanted in any of the drug stores. I visited six, and in each I asked for a little brandy, but was refused in every one. I did not see any liquor sold or offered for sale in Augusta.

"Q. How was it in Bangor? A. That was the only place in Maine in which I was able to find liquor for sale. There open bars were found, but, not in a very attractive form, such as one would find in any licensed place. Party politics in Bangor is the cause of the lack of law enforcement. The two parties are so evenly divided that the liquor sellers combining can defeat the party that attempts to enforce the law against them, and so deals are made, and, as stated by Mayor Beal and others, there exists an understanding between the liquor sellers and the authorities by which the prohibitory law, in a considerable degree, becomes a dead letter.

"Q. Would you say, then, that prohibition is a failure in Bangor? A. No, but the officers, whose sworn duty it is to enforce the law, are a failure.

"Q. In the other places visited, how did you find the prohibitory law observed? A. Pittsfield and Winthrop were the only places visited by the Commission outside the cities. There the advantages of the prohibitory law were very apparent. Not the slightest appearance of liquor or liquor drinking was to be seen, and, although the town of Winthrop was "en fête," it being the fourth of July, I did not see any disturbance or sign of drunkenness any where, and I was particularly observant. From information I received while in Maine, I am perfectly satisfied that, notwithstanding the weakness and defects that there undoubtedly are in the Maine law, it is, in its results, infinitely superior to any system of licensing of which I have any knowledge."

### PERSONAL OBSERVATION.

During the Commission's investigations in Maine, the undersigned made as close observations as possible. In the eight days spent in Portland he was about the city a good deal, but saw no saloon or other liquor shop. That sales are made in some places there is no doubt, but that whatever sale goes on is secret is suggestive of the real power of the prohibitory law. Except in Kansas and Iowa, your Commissioner had never before been in a city of the same size without seeing saloons as conspicuous and conducting their business as openly as groceries. A town and a city were visited on the fourth of July. In the former (Winthrop) a large number of people from the surrounding towns and villages and rural districts were assembled to celebrate independence day; and not a single case of even slight intoxication was noticed.

In the city (Lewiston) the celebration was on a very large scale. Besides the resident population there were several thousands of visitors in the city; a city official estimated the number at thirty thousand. The Commissioners arrived in the afternoon, and were there during the time when, if at all, the effects of drinking during the day would be observable. A tour of the streets and squares, where the people were enjoying the holiday, and amongst the crowds that were witnessing the several features of the day's display, failed to discover the drunkenness and disorder which might be expected amongst so many people on such an occasion. Two drunken men and one somewhat under the influence of drink were seen. There were no cases of arrests before the police court the next morning. The deputy chief of police, in evidence given before the Commission the following day, said three intoxicated persons had been arrested on "the fourth," but they were not residents, and were permitted to leave the city on the late train.

In Pittsfield, Waterville, Augusta, Auburn and Biddeford no signs of either the sale or use of intoxicants were discovered.

CONCLUSIONS.

If a diminution of the sale of liquors, the lessening of the many evils which result from such sale, the strengtening of sentiment antagonistic to legalize the traffic, and the clearly expressed will of the people favourable to prohibition may be regarded as proof of the success of the prohibition system, then your Commissioner with all these facts before him, cannot avoid the conviction that the prohibitory law of Maine, despite defects and many infractions, has been, and is, a marked success. It has greatly reduced the consumption of liquors in the state; has created a strong public sentiment against both drinking and selling liquors; has banished drink shops from fully three-fourths of the state; has degraded the liquor traffic so that no person with any pretension to respectability thinks of engaging in it; has restricted illicit liquor selling more effectually than any other system has ever done; has been attended by peace, plenty and prosperity; and has commended itself to the favour of the vast majority of the people of the state as a beneficent law, markedly promotive of the public welfare.

VERMONT.

Prohibition has been continuously in force in the State of Vermont since 1852. The law is in some respects less rigid than that of Maine, inasmuch as the penalties for infractions of it are lighter. It however, goes further in that it prohibits the bringing into the state of liquor except for the town agents, who are legally authorized to sell. The state of Vermont is mainly rural. It has a population of 332,-442. There are in it no large cities. It is difficult to state exactly the dimensions of the recognized liquor traffic in it, as for late years it has been grouped with some other states in the Internal Revenue district of New Hampshire. In the Interna-Revenue Reports it had a separate report up till the year 1887, and the following table shows its record up to that time from 1880:—

| Years. | Retail dealers. (*a.*) | Wholesale dealers. (*b.*) | Distilled liquor products.(*c.*) | Malt liquors produced.(*c.*) |
|---|---|---|---|---|
| 1880 | 595 | 10 | 1,400 | None |
| 1881 | 473 | 15 | 2,335 | " |
| 1882 | 476 | 8 | 1,152 | " |
| 1883 | 516 | 13 | 662 | " |
| 1884 | 486 | 13 | 937 | " |
| 1885 | 485 | 9 | 322 | " |
| 1886 | 565 | 8 | 597 | " |
| 1887 | 498 | 9 | 863 | " |

*a.* Including "retail liquor dealers (distilled)," and "retail dealers in malt liquors." *b.* Including "wholesale liquor dealers (distilled," and "wholesale dealers in malt liquors." *c.* See the Internal Revenue report for 1889, pp. 366-9.

The population during the years set out changed very little, and the period shows an average of about 1 tax receipt payer for each 637 of the population, which is about one-half the proportion of the United States as a whole. It must be borne in mind that a tax receipt in a prohibition state, as a rule, does not at all represent a liquor selling business, as a tax receipt often does in a state where license laws are in operation.

The state is evidently committed to the continuance of the law. Bills proposing high license and local option as a substitute for the prohibitory law were introduced into the legislature in the years 1888 and 1890, but in both cases they were rejected by large majorities.

The Commission did not visit Vermont, and obtained practically no evidence from the state. The following statements of prominent citizens are submitted, being

all the testimony that your Commissioner has been able to get. They are statements made in reply to inquiries made in 1890. Hon. Frank Plumley, United States district attorney for Vermont, wrote:—

"I am glad, as a friend of prohibition, that the license advocates have unmasked and are to wage open warfare. Their arguments cannot stand the broad light of publicity, and are easily punctured by the facts concerning the beneficence of prohibition exhibited in our state. Take the state as a body: every year shows improvement, both in the vigor of enforcement of the law and the decreased intemperance and resulting crime."

George W. Hooker, president of the Vermont state agricultural society and member of the Republican national committee, wrote:—"Prohibition is the best law for Vermont, and I base my belief on the almost entire absence of crime. There is no law better enforced in Vermont, and it can be enforced everywhere if public sentiment so orders."

M. H. Buckham, president of the Vermont state university, wrote:—"I wish I was half as sure of the triumph of other good causes as I am that the people of Vermont will maintain and improve, and still more effectually carry out, the present system by which the selling of intoxicating drink, if not absolutely prohibited, is to a great degree restricted and restrained."

On the floor of the House of Representatives, in the United States Congress, Hon. Charles S. Joyce, member of congress for Vermont, some time ago made a speech in which he said:—

"The history of the temperance movement in my own state, while it has not been all that we could wish, yet has been such that all good men have been inclined to thank God and take courage. Vermont passed a prohibitory law in 1852, and she has been strengthening it and making it more effective ever since. In the main it has been fairly and wisely executed. It has always been sustained by a sound and healthy public sentiment upon the subject and in my opinion there never has been a moment since its passage when it stood so strong and firm in the good sense and hearts of the people as it does to-day. That it has, in connection with the moral sentiment of the people, had the effect to greatly diminish the sale and use of intoxicating liquors in our state, no man who has examined the figures and who has been long acquainted with our people and their habits will deny."

The following statements have been made by different governors. Governor Peck, who has also been judge of the supreme court, said:—"In some parts of the state there has been a laxity in enforcing it, but in other parts of the state it has been thoroughly enforced, and there it has driven the traffic out. I think the influence of the law has been salutory in diminishing drunkenness and disorders arising therefrom, and also crimes generally. You cannot change the habits of the people momentarily. The law has had an effect upon our customs, and has done away with that of treating and promiscuous drinking. The law has been aided by moral means, but moral means have also been wonderfully strengthened by the law.

"I think the law is educating the people, and that a much larger number will now support it than when it was adopted; in fact, the opposition is dying out. All the changes in the law have been in the direction of greater stringency. In attending court for ten years, I do not remember to have seen a drunken man."

Governor Convers said:—"The enforcement has been uniform in the state since its enactment, and I consider it a very desirable law. I think the law itself educates and advances public sentiment in favour of temperance. There is no question about the decrease in the consumption of liquor. I speak from personal knowledge, having always lived in the state. I live in Woodstock, sixty miles from here, and there no man having the least regard for himself would admit selling rum, even though no penalty attached to it."

Hon. W. B. Arcourt, associate justice for Washington county, said:—"Public sentiment is growing stronger in favour of the law every year."

The following letter was received by the commission, in reply to an application to the governor of Vermont for information about the prohibitory law of the state:—

"By request of the governor, I have the honour to reply to yours of 9th May, and say that Vermont has worked under the prohibitory liquor law for about forty years. It is the opinion of those best versed in the matter, that the effect of the law in Vermont has been to decrease the consumption of intoxicating beverages, that it is diminishing drunkenness, and having a marked tendency to diminish crime and lessen the poor expenditure; and that our insane asylums have fewer inmates than they would have had were it not for the enforcement of the prohibitory law, though in many cases it has failed of a very strict enforcement. No better evidence of the way in which the people of Vermont look upon the working of our statute, and its general good effects, can be found than in the fact that it has stood upon the statute-books of the state for a good many years, and that every step taken by the legislature since the first enactments of the law has been rather towards a more strict prohibition than otherwise."

## NEW HAMPSHIRE.

Prohibition in this state is hampered by the fact that only the sale, and not the manufacture, is prohibited. Neither does the law prohibit sales made in original packages by importers into the United States. Up till 1881 towns had the right to permit the sale of lager beer. Brewing is very extensively carried on in the state. The commission has no definite information other than that furnished by the internal revenue records, which, for the reasons already stated, are of little value.

The *Cyclopædia of Temperance and Prohibition* makes this statement:—"It is inevitable that in a state where the manufacturing interest is powerful there will be made a considerable wholesale and retail market. In practice the New Hampshire law operates more as a local option than as a prohibitory Act, the traffic being entrenched in the important localities because of the legal standing that its most prominent representatives enjoy. But well-informed citizens of New Hampshire declare that the sale is suppressed in by far the greater number of towns and in practically all the unincorporated parts of the state. And the Injunction Act of 1887 has strengthened the friends of the law in places where enforcement formerly was difficult. Successful crusades against the open saloon have been waged in the cities from time to time under this Act, and there can be no doubt that more stringent legislation—especially legislation against the manufacture—would render prohibition fully as efficient in New Hampshire as it has been in the neighbouring states of Maine and Vermont."

Governor Goodell, in a recent address said: "Prohibition, comparatively speaking, has been a success in New Hampshire. The enforcement of the law of late in the state has been simply remarkable. It has resulted in reducing the number of convicts in the state prison from 202 to about 100."

## RHODE ISLAND.

The State of Rhode Island adopted a prohibitory amendment in April, 1886, and repealed it in June, 1889. So far as has been learned, it would seem that in the first voting there was very little activity manifested by those opposed to the law, while in the second campaign they worked with great diligence. In the first contest there were polled against the measure only 9,230 votes, while in the second campaign the anti-prohibition vote amounted to 28,315, being much larger than the total vote polled in the first election.

The Commission did not visit the state to make inquiry as to workings of the law for the brief time it was in operation. From what can be learned it seems not to have been enforced with much energy. Several measures, introduced into the

legislature to facilitate its operation, were defeated. The *Cyclopædia of Prohibition* gives the following information in regard to the conditions that existed:—

"The legislature refused to add necessary amendments to the statute, and before two years had passed it was generally understood that the managing politicians and many of the influencial law officers had no other purpose in view than to render the law ridiculous and odious by non-enforcement. In spite of these unfavourable circumstances,it was partially enforced, and with uniformly wholesome consequences. The number of persons paying United States special taxes as retail and wholesale dealers fell from 1,544 in 1886 to 1,241 in 1887. (The numbers for subsequent years cannot be given, since Rhode Island was consolidated with the internal revenue collection district of Connecticut on 1st July, 1887). In Providence, the principal city, the arrests for crime, drunkenness and disorderly conduct were greatly reduced in the first year. The figures are as follows:—

"Total arrests for all causes except for the sale of liquor,—year ending 30th June, 1886 (license), 6,473; year ending 30th June, 1887 (prohibition), 4,087—decrease, 37 per cent. Arrests for drunkenness, common drunkards and disorderly, —year ending 30th June, 1886 (license), 2,617; year ending 30th June, 1887 (Prohibition), 1,521—decrease, 42 per cent.

"In each of these years Providence had the same chief of police, and therefore the decrease was not brought about by any change in the police department. In the next year there was an increase, not large enough however to bring the total up to the number of arrests made in the last year of license. The record for two and one-half years of prohibition (ending with 1st January, 1889) showed 9,923 arrests for drunkenness and disorderly conduct in Providence in that period, as against 11,304 in the last two and one-half years of license—a decrease of 2,000."

## THE DAKOTAS

North and South Dakota are new states. Prohibition of the liquor traffic was made part of their original constitutions. Their first legislatures (in 1890) enacted laws in accordance with and for the enforcement of the prohibitory provisions of the constitutions.

In neither of these states was any examination made by the Commission. It has not been possible to get much statistical information; and whatever figures have been obtained are too new to be of any value, especially as there are no earlier statistics with which to compare them. Your Commissioner has endeavoured to get as reliable information as possible of a general character, and presents the results of inquiries made.

In North Dakota, Mr. Charles A. Pollock, one of the foremost lawyers of the state, made careful inquiry of prominent men throughout the state, and received from them strong testimony to the effect that the prohibitory law is effective.

Rev. H. C. Simmons, a home mission superintendent, whose duties take him into every part of the state, says:—"I have travelled over the state for 10 years, and have carefully observed the workings of both policies (license and prohibition). Everywhere is seen the advantage of prohibition over the license system. While some young men are undoubtedly led into drinking habits by those who bring in liquor in jugs and bottles, their number is insignificant compared with those who are drawn into drinking habits by the saloons."

Rev. E. H. Stickney, field secretary of the Sunday School Union and Publishing Society, who has travelled extensively in the state, says:—"The open saloon is gone. With a few solitary exceptions, liquor is nowhere openly sold. These places will be reached before long. With the overthrow of the saloon the treating habit is broken up. Thus a great temptation is taken away from the young men—to meet together, play for the drinks, and take the first glass. This is true not only in the state generally, but also in such border towns as Fargo and Grand Forks. But very little liquor is sold in the state. In the small hours of the night, in some out-of-the-way place, to a certain faithful few who are confirmed topers, liquor is undoubtedly sold. Druggists, to a certain extent, abuse their privilege in this

respect. Men do, in certain cases, perjure themselves for a drink. These, however, are the exceptions, not the rule. The man who dreads the intoxicating cup, and yet has that terrible appetite, is tempted but little compared with what he once was."

Similar testimony is given by the officials of the Baptist, Methodist, Presbyterian and Lutheran churches,—to which may be added that of a prominent business man, Mr. W. H. White, who has been a resident for nearly 20 years. He says:—"My travels have been extensive within the agricultural districts of the state, and I have found that farmers have been enabled to successfully prosecute their fall work to much better advantage, at greatly reduced expense; that merchants have sold more goods and have made more collections; crime has been less; elections more peaceable, and prosperity and content more general, since the saloons have been closed; and the towns are not made a rendezvous for the rough element attracted to them, in the fall, by whisky. These facts are so well known by the farmers and merchants that they favour prohibition, if on no other ground than a purely financial one."

Of South Dakota, less information is at hand. "The Farmer," a paper published in Huron, South Dakota, in its issue of August 15, 1893, said:—"Notwithstanding the efforts of liquors dealers, drunkenness has been almost entirely wiped out. Many a moderate drinker has quit the habit, and, above all, a host of young men have started on a sober and industrious career under three years' influence of so-called prohibition."

It is stated that the drink bill of the two Dakotas dropped off 70 per cent the first year under prohibition, and that it has been growing less each year since. "And no one has been made the poorer thereby but the saloon-keepers, brewers and distillers."

## IOWA.

A prohibitory law was enacted in Iowa in 1855. In 1857, in deference chiefly to the German and other foreign population of the state, the law was amended to permit the manufacture and sale of malt liquors and wine. This change broke down the prohibitory law, all the evidence going to show that under cover of license to sell wine and beer all kinds of liquors were sold freely, it being practically impossible to prevent, or even check, the sale of ardent spirits while the sale of other liquors was authorized.

In 1882 the state voted on a prohibition amendment to the constitution, the amendment being adopted by a majority of 29,759. The courts decided, in a case of appeal, that because of a clerical error in the record of the legislative proceedings preliminary to its submission, the amendment had not been properly submitted. The popular vote was, therefore, invalidated.

In 1884 a prohibitory law was passed, and has been in operation since. For several years there has been an agitation for the repeal of the prohibitory law. The agitation culminated in 1894 in the passage of a law, which, while not repealing, provides for taxing violations of the prohibitory law. It is very peculiar legislation; it provides that in communities where a specified large proportion of the electorate approves, it shall be lawful for the authorities to permit the violation of the prohibitory law by those who pay periodical fines as the price of immunity from prosecution. This is, really, sanction by the legislature of the practice which has been in vogue in a number of localities where the law has been disregarded.

Many statements have been made about the effects of prohibition in Iowa. While it is freely admitted that in some places there has been persistent and flagrant violation of the law, it is claimed that wherever honest efforts have been made to enforce it, success has attended those efforts, good results following. It is also claimed that, notwithstanding the lawlessness of certain places, the benefits of prohibition in the state as a whole have been marked. Some of these statements, gathered from official sources, are appended:—

*A Governor's testimony.*—Hon. William Larrabee, Governor of Iowa, who was, prior to its enactment, a strong opponent of the prohibitory law, became an equally

warm supporter of it by observation of its workings. In his address to the legislature in 1890 he said:—

"Thousands of those who voted against the constitutional amendment in the belief that such a law would prove a dead letter, are now convinced that it can be enforced, and demand its retention. The benefits which have resulted to the state from the enforcement of this law are far-reaching indeed. It is a well recognized fact that crime is on the increase in the United States, but Iowa does not contribute to that increase. While the number of convicts in the country at large rose from one in every 3,442 of the population in 1850, to one in every 860 in 1880, the ratio in Iowa is at present only one to every 3,130. The jails of many counties are now empty during a good portion of the year, and the number of convicts in our penitentiaries has been reduced from 750 in March, 1886, to 604 on July 1st, 1889. It is the testimony of the judges of our courts that criminal business has been reduced from 30 to 75 per cent, and that criminal expenses have diminished in like proportion.

"There is a remarkable decrease in the business and fees of sheriffs and criminal lawyers, as well as in the number of requisitions and extradition warrants issued. We have less paupers and less tramps in the state in proportion to our population than ever before. Breweries have been converted into oatmeal mills and canning factories, and are operated as such by their owners. The report of the superintendent of public instruction shows an increased school attendance throughout the state. The poorer classes have better fare, better clothing, better schooling and better houses.

"The deposits in banks show an unprecedented increase, and there are everywhere indications of a healthy growth in legitimate trade. Merchants and commercial travellers report less losses in collections in Iowa than elsewhere. It is safe to say that not one-tenth, and probably not one-twentieth, as much liquor is consumed in the state now as was five years ago. The standard of temperance has been greatly raised, even in those cities where the law is not yet enforced. Many a man formerly accustomed to drink and treat in a saloon has abandoned this practice in deference to public opinion.

"Our courts show a marked improvement in dealing with this question, nearly all of the judges being now disposed to enforce the law, whether they are in sympathy with it or not. In those counties where the law is not enforced the fault lies almost invariably with the executive officers."

In a later address, Governor Larrabee said:—"There is not one-twentieth part as much liquor consmed in Iowa to-day under prohibition as there formerly was under license. Taxes have decreased in Des Moines, and taxes have decreased in the state, yet the liquor press persists in heralding false statements denying these facts. The dullest cities in Iowa to-day are those where the law is most laxly enforced, while the liveliest cities are those where the prohibitory law is vigorously lived up to. Many of the sheriffs in Iowa have discharged their deputies because there was nothing for them to do. The saloon was gone, and crime was without a factory. About half the Iowa jails are empty. It is impossible to keep jails filled unless you have recruiting stations in the shape of saloons. When my term of office expired, the convicts in the two penitentiaries had so run down that all could have been put into one prison.

### COURT RECORDS.

Hon. E. R. Hutchins, commissioner of labour of Iowa, makes the following exhibit of criminal offences, taken from the records of the courts for the five years 1884-88:—

| | | |
|---|---|---|
| In 1884 | criminal convictions | 1,592 |
| 1885 | do | 1,339 |
| 1886 | do | 1,645 |
| 1887 | do | 1,520 |
| 1888 | do | 838 |

The following figures show that, notwithstanding the increase of the population of the state, the inmates of the state penitentiaries gradually diminished:—

| | | | |
|---|---|---|---|
| In 1885 | inmates of the | penitentiaries | 634 |
| 1886 | do | do | 653 |
| 1887 | do | do | 615 |
| 1888 | do | do | 532 |

The number of commitments to penal institutions, and their cost to the state each year were as follows:—

| | Commitments. | Cost of State. |
|---|---|---|
| In 1885 | 332 | $413,000 |
| 1886 | 298 | 421,000 |
| 1887 | 278 | 282,000 |
| 1888 | 260 | 300,000 |

TESTIMONY OF JUDGES.

The foregoing statements about the reduction of crime under prohibition have strong confirmation in the testimony of many judges of the state. In December 1887, Governor Larrabee addressed to each of the superior court and district court judges in the state a letter of inquiry about matters for executive recommendation to the next General Assembly of the state. The governor's letter contained this paragraph:—

"I shall also thank you to apprise me of the effect of the prohibitory law in your district. Would you, after having for several years observed the operation of the present prohibitory law, advise its repeal; and if so, what would you propose to place in its stead?"

Answers to the above question were received from thirty-five judges—nearly the whole list. Two of them did not say whether they were in favour of or opposed to the law. Four were opposed to the law as it stands, favouring local option for cities. Twenty-nine were in favour of the law. Some of them had been opposed to it, but had become convinced of its wisdom by observing its good effects.

Judge Wilson said:—"I was not in favour of the law, thinking that the public sentiment was not strong enough to make it a success, and that high license would work better. I have carefully watched its workings, and am convinced that I was wrong. Whatever was the sentiment at its passage, I am satisfied that nine-tenths of our citizens would vote against its repeal to-day. * * * No, sir, I am not in favour of repealing the law, and should be very sorry to see it attempted."

Judge Carson said:—"When in the senate I favoured local option, but I am now satisfied that the statute should stand. My belief is that the effect has been very favourable in the reduction of criminal offences, especially those growing out of brawls and quarrels."

EFFECT ON CRIME.

Hon. James P. Flick, member of Congress from Iowa, said in 1890:—"I was prosecuting attorney both before and several years after the enactment of the prohibitory law in Iowa. There were eight counties in my district, and I know that after the enactment of the prohibitory law crime decreased more than 50 per cent. I know this to be a fact, for the fees of my office and the court expenses diminished at least 50 per cent."

Rev. C. F. Williams, chaplain of the state penitentiary of Fort Madison, 1890, said:—"The business of making criminals fell off at a remarkably rapid rate immediately following the passage of the Clark (prohibitory) law. Within eighteen months the convict population of the state ran down from about 650 to 600. We have two prisons in Iowa—one at Anamosa and the other here. Our Fort Madison prison has the contract labour system. Our 'lock-up' was over 400 when the law

passed. The number ran down so rapidly that the governor was compelled to transfer convicts from Anamosa to this prison to keep the contracts going here. By the districting of the state then in force 42 counties sent prisoners to us and 57 counties sent to Anamosa. The transfer of prisoners being both inconvenient and inadequate, the state was redistricted, giving 48 counties to us and 51 to Anamosa. But this readjustment was soon found to be inadequate. The state was again redistricted, six more counties being transferred to us, giving us 54 counties and Anamosa 45. Within a year the history of shrinkage and consequent crippling of contracts repeated itself, and a third time the state had to be redistricted. This time 22 counties were transferred, giving us now 76 counties and leaving Anamosa 23. And this total transfer of 34 counties from the territory tributary to Anamosa to our territory barely suffices to keep our prison population up to what it averaged from four more than half the number of counties before the passage of the law; or, in other words, 76 counties do no better business in the line of making criminals under prohibition partially enforced than 42 counties did before the law was enacted. And this is only one phase of the situation. The truth as to the reduction of crime is a many-sided truth, everywhere and always maintaining the unity of fact amid the diversity of aspect, as viewed from different standpoints. Ninety-nine county jails, the majority of them empty more than half the time, idle courts and reduced expenses are only a few of the many results of prohibition in depressing business of this particular kind in Iowa."

### THE ECONOMIC EFFECT.

Dr. E. R. Hutchinson, labour commissioner of Iowa, who has given much attention to the subject, makes a statement on the economics of prohibition, which shows that the state has not been injured financially by prohibition of the liquor traffic. He says:—

"Proofs of results are strongest when practical and beyond cavil. Take Des Moines, the capital. *First.*—The average rate of taxes for the six years preceding the enactment of prohibition (1878-83) was fifty-five mills on the dollar. For the past six years (1885-90) it has been fifty-two mills. The highest rate of tax ever paid by any property in Des Moines was sixty-seven mills, levied in 1883; the smallest was forty-one and a quarter mills, levied in 1887.

"*Second.*—In 1884 there 10 school-houses in Des Moines, with 88 rooms; now there are 21 for the grades, with 160 rooms, besides two large high-school buildings with capacity for nearly 600 students and costing $125,000. This does not include the schools in the territory recently annexed to Des Moines, in which there are not far from 20 schools, having 50 rooms, attended mostly by pupils from families recently removed from older parts of the city. In 1884 there were 37 houses of worship in the city as at present constituted; now there are 67, and eight of the societies which then had houses of worship have erected new ones, and several more are in process of erection. Among the new ones are some of the most elegant and commodious in the state.

"Des Moines to-day is unquestionably the most prosperous and flourishing city in the state. The contrast in good order, growth, prosperity and comfortable home-owners between this city, where the prohibitory law is enforced, and the river cities, where the law is openly and flagrantly violated, is decidedly marked. Business men, including those opposed to prohibition, report larger sales, easier collections and a far larger volume of ready cash.

"The following illustrates the economic effect of prohibition upon the taxpayers of the state in the matter of criminal convictions. There were, in 1884, 1,592; in 1885, 1,339; in 1886, 1,645; in 1887, 1,520; in 1888, 838. About the same reduced proportion prevails in 1889 and 1890.

"The requisitions for criminals in 1883: Iowa sent to other states 125 requisitions for criminals that had fled from her boundaries; in 1885, 167; in 1887, 112; in 1888, 37. The cost to the state for this purpose in 1883 was $17,193; in 1890, less than $4,000.

"The prison population in the state in 1885 was 634 ; in 1886, 653; in 1887, 615; in 1888, 532; in 1889, 537; in 1890, 570. In Missouri, there is one inhabitant out of every 1,320 an inmate of their prisons; in Alabama, one out of every 2,000; in high-license Nebraska, one out of every 2,600; and in Iowa, one out of every 3,350.

*Third.*—On 30th June 1885, there were 34 savings banks in Iowa, with deposits amounting to $7,401,633.30, and assets of $9,618,866.97. Five years later the number of these banks had risen to 59, the deposits to $16,336,787.68, and the assets to $20,771,393.86.

"During the same time the number of national banks and state banks (not including those for savings) had increased from 175 to 243, with deposits from $23,255,047.19 to $39,416,981.36, and their resources from $44,706,061.74 to $64,411,964.07. Total increase in number of banks, 93, or 44 5-10 per cent; in deposits, of $25,096,988.55, or over 81 per cent; and in resources, of $30,858,429.18, or nearly 60 per cent; this while the population of the state was increasing about 8 per cent. In 1885 there were about $18 of bank deposits to each inhabitant; in 1890 there were over $29 for each. During these five years it may be remarked that our building and loan associations have multiplied, and investments therein—both home companies and those from abroad—have very greatly increased. This shows how prohibition has 'ruined' Iowa financially.

"*Fourth.*—While I was commissioner of labour statistics I asked the question:—'Is prohibition a good thing for the wage earners?' 1,704 workingmen returned answers. Of these, 376 said 'No,' and 1,328 said 'Yes.' The same question was asked of coal miners. 440 replied. Of these, 121 said 'No,' and 319 said 'Yes.' The same officer asked of the savings bank officials:—'Has there been an increase or decrease in the deposits of wage-earners during the last two years?' Twenty per cent replied 'No increase,' and eighty per cent said 'An increase.'

"*Fifth.*—Statistics prove beyond a doubt that *home ownership* in Iowa has increased during the last five years more than threefold in excess of any like period prior to the enactment of the prohibitory law.

"Grocers and dry goods merchants in cities where the law is in force report their sales for cash on Saturday and Monday nights (after pay-days) more than trebled since the prohibitory enactment.

"An unbiassed observer cannot find a phase of pure social life that is not bettered by prohibition. Money is saved, homes are bought, schools and churches are populated, jails and prisons are emptied, improvements are perfected, sunshine dispels clouds around hearthstones, joy and content banish sorrow and strife at firesides, family altars are erected and men are christianized.

"Thousands of persons once chained to the curse of the liquor habit are men once more, 'clothed in their right minds.' Thousands of homes, once places of discord and only homes in name, are now sweet and pure and in reality the dearest places on earth. And all this comes directly from the economic effect of prohibition.

### OTHER TESTIMONY.

Many gentlemen occupying prominent and representative positions, whose knowledge is accurate and whose standing gives weight to their words, have given testimony confirmatory of the foregoing. A few statements are quoted :

Hon. James F. Wilson, United States senator from Iowa, 1890, said:—"It gives me pleasure to be able to say that in every desirable aspect of the case prohibition has been beneficial to Iowa. I have a pretty accurate knowledge of the conditions existing in Iowa, as induced by prohibition, and I do not hesitate to say that they are all better on account of its presence than they would have been without it. In the several features of the case as respects business, value of property, moral and educational conditions, diminution of crime and criminal expenses, social and domestic phases of society, Iowa is ready to stand in a row of the states for examination, with no fear that any of her sisters will, at the conclusion, stand nearer the head of the line than she."

J. F. Kennedy, M. D., secretary of the Iowa state board of health, says:—"In all respects our people have been greatly benefited. Crime and immorality have greatly decreased; social conditions have improved; homes have become more home-like, and thrift and the angel of hope have gone into many homes where the blight of poverty and the demon of despair had taken their abode."

Mr. W. W. Field, director of the state argicultural society, said:—"I do not mean to say that no liquor is sold and used in the state, but I do say that the quantity is small compared with saloon times, and that our young men are not tempted as formerly, and are being taught that to drink is to lower themselves in the estimation of the best society. It is rare now to see a drunken man upon our streets, and at our recent state fair, 1890, where there were upon our grounds one day 50,000 people, not a man was seen under the influence of liquor."

Mr. C. H. Hill, superintendent of the Iowa state hospital, says:—"The prohibitory law * * * has proved to be a great blessing to the citizens of our commonwealth. Criminal statistics and various other kinds of statistics, some of which could be furnished from this institution, show that the physical, mental and social condition of the people in Iowa has improved since this law was enacted."

### THE PLACES VISITED.

Two of your Commissioners made some investigation in Iowa. The places visited were Council Bluffs, Des Moines, Cedar Rapids, Clinton and Muscatine.

Des Moines, the capital, is the largest city in the state, having a population of 70,000. Council Bluffs, population 35,000, is on the Nebraska border. Cedar Rapids, population 22,000, has a considerable foreign element, Bohemians predominating. Clinton, which was visited by one Commissioner, is a border town, on the Mississippi river, and has a population of 21,000.

It was urged that to get a complete and accurate view of the enforcement and effects of the prohibitory law some of the smaller towns and some rural districts should be visited. Your Commissioner regrets that this was not done.

### THE WITNESSES HEARD.

Thirty-five persons were interviewed. Their statements are recorded in Vol. 5 of the printed evidence. Five of them were men engaged in the illicit sale of liquor. Nine others declared themselves against the prohibitory law; two of them had voted for the constitutional amendment—one because he believed in it at the time, the other to please his father; the other seven, in addition to the men engaged in the illicit traffic, had always been opposed to prohibition.

It was noticeable that, in some instances, those who made statements about the failure of the prohibitory law were careful to stipulate that anything they said should not be used in the state of Iowa, which carefulness impressed your Commissioner that, for some reason, they were unwilling to have public or official attention directed to infractions of the law.

Gentlemen who are not favourable to state prohibition freely admit that the law has worked beneficially in some parts of the state.

Gov. Boies, the leader of the opposition to prohibition, and who, to quote his own words, believes "the law is bad from every standpoint," said:—"I do not mean to say by that that in no part of Iowa is the law enforced, because that is not true. Wherever public sentiment upholds it, wherever a large majority of the people are opposed to the traffic in intoxicating liquors, the law is reasonably well enforced."

Being asked to state the benefits, if any, that have been conferred by the prohibitory law, he said:—"I think I can truthfully say that in interior counties, where public sentiment is strongly opposed to the traffic in intoxicating liquors of any kind, the use of those liquors as beverages has been diminished. So that, starting with the proposition that the use of intoxicating liquors as beverages is an evil, I think all ought to be willing to concede that the law has proved a benefit to those localities." He also said:—"The chief difficulties arise in the border cities."

Hon. W. R. McFarland, Secretary of State, who thinks it would be better to have local option for the cities, said:—"We have ninety-nine counties. I have been pretty well over them in the campaigns in three years, and I should say that in sixty of those ninety-nine counties the law is fairly well enforced, as well as ordinary criminal statutes are enforced; but in the other thirty-nine counties the law is not enforced as well as other laws. Probably in these thirty-nine counties there are twenty counties where the law is absolutely disregarded."

Mr. McFarland attributed the disregard of the law, in the twenty counties referred to, to location and the character of the population. He said:—"To their location largely. They are mostly located on the Mississippi or Missouri River. That is not the case in all the border counties, because some of our border counties are strongly prohibition. The foreign population I think has a great deal to do with it. We have a great many Germans in Iowa who were accustomed to have their beer before they came here, and they keep up the custom."

Being asked if the poor enforcement in certain places is due to the fact that the administration of the law is in the hands of officials hostile to the law, he said: "I think there is something in that too. I think if the mayor and city authorities are in earnest they can enforce the law in twenty-four hours in any city."

## DES MOINES.

The evidence shows that in Des Moines, the largest city in the state, the law is very well enforced. Gov. Boies, speaking of this city, said:—"We have no open saloons."

M. Fred. Johnson, chief of police of the city, said:—"I am not giving Des Moines a better name than it deserves. It is better to-day than when we had open saloons."

C. J. Schaefer, deputy chief of police, who has been in the service since 1876, said:—"There has been great improvement in the order of the community. At the time we had a license system here prior to the time prohibition took effect, I helped to collect $61,000 from the licensees—$1,000 a year from each—in one year in this city. We had a great many wretched homes in the city at that time, and those who used to be great drinkers themselves are better provided for now and attend to their families. I know that to be so. I can cite cases to illustrate that."

Judge Eggleston, of the city police court, said:—"The city has grown more orderly." And this, notwithstanding "the city is growing larger, and we expect more crime in consequence. In spite of the difficulties (of enforcement) the law has had good effect."

Mr. E. R. Mason, clerk of the circuit court, said the prohibitory law is as well enforced in Des Moines as the laws against other offences; "quite as well as the law against gambling and prostitution, and as the law against petty larceny."

## EFFECT ON THE TRAFFIC.

Eighty-six breweries flourished in Iowa before the enactment of the prohibitory law. They have been practically driven out of the business. The commissioners were told in Council Bluffs that two or three breweries were closed in that city by the law, and remained closed. It is claimed that the breweries in some places are still carrying on business.

At Cedar Rapids, W. Zalesky, representing the brewery of George Williams, said:—"Two years before the law was passed Mr. Williams refused $50,000 for the brewery. To-day he cannot get anything for it."

Christian Magnus, Cedar Rapids, said that since the prohibitory law "We tried to put something on the market which is not intoxicating; they call it 'good luck,'" and it is what they are now making. Later he said: "The law has interfered with our business; "the breweries in the state are crippled by the law."

There was a marked decrease in the number of United States special tax receipts issued from Iowa between 1883 and 1889. In 1883 there were of all kinds, 5,473; in 1889, 3,082—a decrease of 2,355. In 1891 the number was larger than in 1889, chiefly held in the border towns, the increase being attributable, according to some witnesses, to the election of Governor Boies, an avowed opponent of prohibition.

Concerning these tax receipts the Commissioners were told by the collector of internal revenue, who issues them, that "a great proportion" of those issued for Des Moines are to druggists doing a legitimate business. He, also, said that a tax receipt is not always for a year, that "many take out tax receipts who never intend to sell."

### ADVANTAGES OF THE LAW.

Testimony as to the advantage of the prohibitory law to wage-earners was given. Mr. J. C. Brocksmit, auditor of the Burlington, Cedar Rapids and Northern R. R., said:—"It has accomplished a great deal of good * * The absence of the saloon is an advantage to employees, boys and others."

Mr. E. R. Mason, Des Moines, proprietor of a cotton mill, said:—"In 1886 my brother and myself purchased at Jonesville, Mich., a cotton mill, and operated it with about 100 employees. In that town they had open saloons, and a large number of the employees were addicted to drink. When they drew their money monthly they were not back to the mill on time, and they never got a single dollar ahead. When we moved to Des Moines with the mill in 1888, we brought a large number of those employees with us, and without a single exception, we had to furnish the means to pay the transportation of themselves and their families and their household effects. We operated the mill here for three years, and, without a single exception, those men who had been addicted to drink were sober and saved their money, so that when the mill was burned in December, 1891, there was not one of them who had not sufficient money to carry him through the winter without any help from outside. Though we insisted that the men should be sober, it had no effect on them in Michigan. The saloon was too much for them. One man in particular, who, I think, never in his life, after he had drawn his monthly wages, would have a single cent until the next pay-day, and who always anticipated it by getting credit at the stores, after he came here I do not think was intoxicated to be absent from the mill but once. A short time before the mill was burned he quit it, and he had purchased for himself a pair of horses and a waggon and was going teaming. He saved enough money to do that out of his wages here."

### CHANGE IN POPULATION.

It was stated to the Commissioners that within late years there has been considerable change in the population of the state. Many native Americans have gone to the Dakotas, and have been replaced by Germans and other foreigners, whose ideas and habits do not dispose them to regard prohibition with favour. It is also in evidence that the cities and towns in which prohibition is enforced receive the best class of immigrants, while the less desirable class flock to the places where the law is more or less disregarded.

### CONCLUSIONS.

The evidence shows that in certain places the law is openly violated with the consent of the civic authorities. And the observation of the Commissioners bears out these statements. The testimony is uniform that the lax enforcement of the law is in the border cities and towns, and in those in which the foreign population is dominant. And, except Des Moines, the Commissioners visited only such places, and in them heard most of the evidence and made their observations.

There was substantial agreement amongst the witness heard, including those who did not think the prohibition system a wise one, that in two thirds of the state, or more, the prohibitory law was well enforced, with but little difficulty and with beneficial results.

## KANSAS.

No other state which has made the experiment of prohibiting the liquor traffic offers such a field for investigation as Kansas. It has a larger area than any other, is a comparatively young state, has had a large influx of population during recent years, and its law is more rigid than that of any other state.

It was the first state to adopt constitutional prohibition. The prohibitory amendment to the constitution was adopted in 1880, and is in the following terms:—

"The manufacture and sale of intoxicating liquors shall be forever prohibited in this state, except for medical, scientific and manufacturing purposes."

The total vote polled for and against the amendment was 200,000, the majority in favour of it being 7,998. Up to that time there had been thirteen propositions of various kinds to amend the constitution of the state, but never before was so large a vote polled on an amendment proposition, nor was one ever adopted by so large a majority.

In the following year (1881) the legislature enacted a prohibitory law to give effect to the constitutional amendment. The liquor trade, of course, took advantage of every weakness and technical imperfection in the law, and for three or four years found various ways of temporarily evading it. But, as discovered, the weaknesses and defects of the law were remedied by the legislature, penalties for violations were made severer, and it soon became apparent to all that it was possible to close the saloons, and keep them closed. Since 1885 the effectiveness of the law has been acknowledged, even by those opposed to it.

*Places and witnesses.*—The places in Kansas visited by the Commissioners were Kansas City, Topeka, Ottawa, Leavenworth and Salina—one Commissioner going to the last-named place. The undersigned thinks it a matter of regret that the commissioners did not visit some of the small towns and rural districts about which witnesses said much, and in all of which it was declared the law is completely enforced, and with excellent results.

Of sixty-five witnesses heard in the state, eighteen expressed opposition to the prohibitory law. Of these eighteen, sixteen had always opposed it. Two of them had voted for the prohibitory amendment, but are now opposed to the law. On the other hand, five witnesses who had opposed the adoption of prohibition are now in favour of it, having been led to change their views by the satisfactory working and the good effects of the law.

### CONSUMPTION OF LIQUORS.

There is no doubt whatever that the prohibitory law has caused a marked decrease in the quantity of liquors consumed in the state.

In 1880, the year immediately preceding the enactment of the prohibitory law, the number of United States tax receipts issued for Kansas was in the ratio of one to less than every 500 of the population; eight years later the number was in the ratio of one to more than 1,829 of the population.

In considering these figures the facts already stated, as to what the tax receipts really represent in prohibition states, have to be kept in mind. They are not, as many suppose, evidence, in all cases, of illegal drinking places.

All druggists who handle liquor in any form are compelled by the Federal Government to pay for special tax stamps. Therefore, a great many of these permits are legitimately held in prohibition territory. Pharmacists, familiar with their profession in the state, estimate the number of druggists doing business in Kansas at 1,600. Some of these do not keep or sell liquors, and, of course, do not pay the special tax. For some years the number of Government permits and the number of druggists in Kansas bear a very close analogy.

The Nebraska high license law came into operation in 1881, the same year that prohibition came into operation in Kansas. In 1882, the first full year under prohibition, Kansas had 484 more tax receipts than Nebraska. In 1889 the number in Kansas had been considerably reduced, while the number in Nebraska had

increased by 2,329. The population of Kansas is about 50 per cent larger than that of Nebraska. Nebraska with 50 per cent less population had more than double as many liquor tax-receipts. And the difference is attributed, by those who know the states, to prohibition.

There is other evidence of reduced consumption of liquors in the state. The report of the Commissioner of internal revenue for the 11 years ending 30th April 1890, shows that there was collected in these states because of the manufacture and sale of spirituous liquors a total amount of $18,433,097; of which $675,934 were collected in Kansas, and $17,757,163 in Nebraska.

From tables published in the *Beer Brewers' Journal* it is learned that the sales of beer in these states during the year 1880 to 1891, inclusive, were as follows:—

| | Nebraska. | Kansas. |
|---|---|---|
| 1880 | 40,000 barrels. | 32,000 barrels. |
| 1881 | 45,000 " | 23,000 " |
| 1882 | 53,000 " | 23,000 " |
| 1883 | 55,000 " | 23,000 " |
| 1884 | 60,000 " | 26,000 " |
| 1885 | 66,000 " | 20,000 " |
| 1886 | 84,000 " | 17,000 " |
| 1887 | 108,000 " | 16,000 " |
| 1888 | 124,000 " | 15,000 " |
| 1889 | 136,000 " | 9,700 " |
| 1890 | 129,000 " | 2,700 " |
| 1891 | 146,000 " | 2,050 " |

There was, therefore, according to this anti-prohibition authority, sold in Nebraska, in 1891, about ninety-six and two-thirds times as much beer per capita as there was sold in Kansas during the same year.

And it needs to be remembered that during the years 1881-91 high license was in operation in Nebraska and prohibition in Kansas.

Rev. Dr. Milner, for eighteen years a resident of Kansas, and thoroughly familiar with every part of the state, said:—

"I think it is unquestionable that there has been a vast decrease in the consumption of liquors in our state. We had an illustration during the original package invasion in 1890. According to the decision of the supreme court, anyone, could go into any community in Kansas and open up an original package house and sell liquor without regard to the law of the state. There was in this city (Topeka) and in other places in the state, as a result of that, an immediate increase of drunkenness. There was double the number of arrests in the city in a week. That was not the only thing. In Kansas City, Mo., all the wholesale liquor dealers increased their business by day and night. The business was increased. The *Wine and Spirit Gazette* of New York made this statement: 'This illustrates what Kansas would do for the trade if it were not for its law of prohibition.' That was the admission of the liquor people themselves. That original package illustration showed that the facility of supply immensely increased the demand, and that, to my mind, was a demonstration of the success of prohibition without going further. The Kansas City *Journal of Commerce*, an anti-prohibitionist paper, and the leading Republican journal of the city, in the review of the year before, simply said that the prohibition law of Kansas had broken the backbone of the business, and the wholesale liquor men of Kansas City, Mo., did not count that as their territory, and had withdrawn their travelling men from the state."

### LAX ENFORCEMENT.

There are places in Kansas in which the law is poorly observed. Evidence of this was heard and seen by the Commissioners in Kansas City and Leavenworth. There are few other places, similarly situated, where the enforcement is more or less lax and spasmodic. The geographical position and the character of the populations of these places have to be considered in accounting for lax enforcement of prohibition in them.

## KANSAS CITY.

Kansas City is as unfavourably situated for the enforcement of prohibition as it could possibly be. It is, practically, a part of Kansas City, Missouri, in which latter city, as stated elsewhere in this report, liquor selling, under a high license system, goes on unhindered seven days in every week and twenty-four hours every day, with the accompaniment of Sunday theatres, gambling and prostitution.

The population of Kansas City, Kan., (40,000) is made up largely of Bohemians, Hungarians, Germans and coloured people, all of which classes have, more or less, the drink habit. It is clear that in such a city the enforcement of a prohibitory liquor law could not be without exceptional difficulties. And yet there is evidence that prohibition has, first and last, had a good effect, and that the condition of the city is much better than in earlier years and than it would be but for prohibition.

In Rev. James G. Dougherty, Congregational minister, the Commission found one who could give valuable information about Kansas, and especially about Kansas City. He had lived in Kansas City in 1872, then he was out of the state a short time; returning to it, he was thirteen years in Ottawa. When the commission visited Kansas City he had been there for more than four years. He was familiar with the early history of Kansas City. He said :—

"I knew this town when there were not more than 4,000 people altogether in the district in which there are now 40,000, and the greater part of those were in the district formerly called Wyandotte. Kansas City, Kansas, is made up of the old town of Wyandotte, the old town of Armstrong and the newer towns of River View and Armourdale. These places have now been combined for five years, under the name of Kansas City, Kansas. In that entire territory, from 1872 to 1875, there were not more than 4,000 people. This is one of the old towns of the state. The Indians founded it in 1843. In 1855, when this territory was organized, there were only about 150 white people in the entire territory of Kansas. In 1856 men came to this town. There was no railroad west of here. The people were a pretty rough class of men. In 1872, when I first saw the town, there were some of these men still living here, and the bad impress of their character remains in the town to this day. In that small population of about 4,000 there was an amount of drinking and drunkenness such as I have never seen equalled, except in some of the worst parts of New York city or the city of London. This was a frontier town, and the life of the place was a thoroughly bad life. Men of all classes here were not only drinking men, but drunkards."

Drunkenness, gambling and the social vice were flagrant. These things still exist; "but," said Mr. Dougherty, "neither the gambling nor the drunkenness keeps pace with the increase of population. There has been a great improvement relatively to the whole population."

Mr. Dougherty described at length the manner of conducting the illicit traffic in Kansas City, which he said was by collusion between the joint-keepers and the police, other civic and state officials, for one or another reason, either definitely or tacitly endorsing the arrangement. Of the administration of the polic affairs of the city he said: "It is really in the hands of the brewers and distillers of Kansas City, Mo.; they bring influence to bear on the governor, which secures the appointment of the commissioners they want."

Mr. S. S. King, police court judge of Kansas City, Kan., said that notwithstanding the degree of non-observance, the prohibitory law is a long step in the direction of sobriety. "I am satisfied," he added, "that, taking the state over, there is not nearly so much drinking or intoxication as there would be under a license law. I will say this, too, notwithstanding the fact that I have always been in favour of license, at least until recently, and I can scarcely tell now whether I am or not."

Asked if there are fewer persons selling liquor in the city than there were under the License Act, he answered: "Oh, yes, certainly, very much fewer, and it is sold in places rather hidden away, in back rooms, where young men and boys are not so likely to be induced to drink as in more public places."

The police captain of Kansas City, Kan., J. E. Porter, who had been in office four years, said crime had diminished considerably in the city during the four years, notwithstanding the population had increased. And, he added, the sale of liquor is "less than it would be under license." There is evidence, also, that a proportion of the police work in Kansas City is due to the much drinking in the Missouri City.

Mayor Barnes, of Kansas City, Kan., who was elected in opposition to the liquor interest, and received the largest majority ever polled by a candidate for the office, said the law has "accomplished very considerable good." "It has been beneficial, even although the law has not been enforced entirely. I believe every effort in that direction benefits the community, and promotes the growth of the country. I think we have had as many people immigrate to this state on account of our laws as there have been people to avoid it. Many a parent in the east who has had a son inclined to go to ruin has come to Kansas in order to get him away from the liquor traffic. In the smaller towns it is entirely effective. In the cities it has been harder to enforce the law."

The personal observations of your Commissioner confirm the statements as to the difference between the neighbouring cities—one under high license, the other under prohibition. A Sabbath in Kansas City, Mo., revealed an open and general sale of liquors in disregard of the restrictions of the license law, and a condition of drunkenness on the streets quite appalling. Part of the same day was spent in Kansas City, Kansas. Whatever illicit sale there may be on other days, there was, certainly, an absence of observable violation of the prohibitory law. There were no drink shops to be seen and no signs of drunkenness in the streets, and there was a general air of quiet Sabbath observance, in marked and pleasant contrast with the flagrant violations of the license law and the flaunting Sabbath desecration in the Missouri Kansas City.

### LEAVENWORTH.

Leavenworth is another illustration of lax enforcement. It is located on the Missouri river, and its main street is within fifteen minutes walk of the high license state of Missouri. It has a large foreign population, including many miners; there is a military reservation and fort, with sometimes 3,000 soldiers, on one side; and a home for veteran soldiers on the other side, in which there is all the time an average of 2,500 men; the state penitentiary, also, is near. Before prohibition Leavenworth supported over two hundred saloons, dance houses and beer gardens; and when the vote was taken on the prohibitory amendment the city polled a large majority against it. It is not, therefore, surprising that there should be resistance to the prohibitory law, nor that its enforcement should be difficult and uncertain.

Quotations from the evidence heard there will show some of the difficulties encountered, and also the measure of success achieved.

Col. Jas. Abernathy, a furniture manufacturer and prominent citizen, said:—"This is probably the worst city in the state of Kansas to enforce that law in, from this fact: The judge of our court was opposed to the law, as well as the clerk, the sheriff, the justice of the peace, every township officer and constable, the county attorney, the mayor and the entire council, all bitterly opposed to it. I do not think there was a single member of the council in favour of the enforcement of that law. The sentiment of the community was largely against it. They elected these officers. It was a question that was prominent in our elections, and the sentiment of the city was against prohibition. We arrested these men for selling liquor in 1885 and 1886, and prosecuted them in our district court, but we could not get the cases proceeded with. They would carry them over from time to time until the witnesses became scattered and gone, and then the cases were dismissed. * * * We had not a court to which we could take a case—not a single one. Everybody was opposed to us."

But, notwithstanding these difficulties, Col. Abernathy said the law had not been without good effect. He employs a large number of men, who have, he

believes, been benefited by the law. He said: "In my own business, before this law was passed we employed a great many Germans, and they were in the habit of going out about ten o'clock in the morning and along in the afternoon and getting their beer. When the law was passed we found that they stopped that. I noticed a great improvement in the men in that respect. Indeed, I will say this: I believe there is a great improvement even right here in Leavenworth, in comparison with the time before the law was passed. Men who used to go to saloons and places of that kind when they had to climb up two or three flights of stairs, or go into a back alley, have told me repeatedly, "If I have to do that, I won't drink." I know a great many men who have quit drinking. Although the law has been poorly enforced. I believe a great deal of good has come of it, even here, although this is probably the hardest place in the state of Kansas in which to enforce the law, owing to its peculiar circumstances."

Major E. N. Morrill, banker, said:—"We have adjoining us on the north a fort with at times nearly 3,000 United States troops in it. Then we have three large coal mines here, and you know the class of people miners are; and then we have these old soldiers in the soldiers' home. I think 40 per cent of the inmates go there on account of intemperance. They get stranded and then they turn up at the soldier's home. I think all these influences are at work around here to make prohibition ineffective. I do not believe the people of Leavenworth are much different from the people anywhere else, aside from those three classes."

He expressed the belief that lax enforcement in Leavenworth is due to the presence of the classes mentioned.

Rev. Dr. Page said Leavenworth is not a fair illustration of the prohibition system. "The city was settled largely from Missouri, a state where the prevailing views on that question are not as strict as those of people in other localities, so prohibition has never been favoured in this part of the state. Then, we are peculiarly situated here. We have a very large foreign element. The coal mines bring an extensive foreign element here. We have also the young soldiers to the north of us, who are largely a drinking element, and we have the old soldiers to the south, who are also largely given to drink. A good deal of our police trouble, and a good deal of the annoyance we have in the city, comes from the soldiers. Then we have Missouri bounding us on the east. We virtually have but a short western boundary that is favourable to prohibition; otherwise we are right in the midst of a class of people who are not naturally, or from education, in favour of strict temperance."

Mr. Henry Shindler, the Leavenworth representative and correspondent of the Kansas City, Mo., *Times*, is a strong opponent of prohibition. He is, he said, "opposed to it from every point of view," adding:—"I have made as much effort, and perhaps succeeded as well in showing up the impossibility of enforcing the prohibitory law in our large cities, as any newspaper man in Kansas."

While he made many charges against the prohibitory law, denounced in unmeasured terms the alleged hypocrisy of many of its friends and advocates, and averred that it was an utter failure, responsible for a great deal of injury to the state and productive of many serious evils, he said:—"We had a fine brewery here, but its business was destroyed by the prohibitionists. It was not allowed to operate."

So that even in Leavenworth, where prohibition is not so well enforced as in other parts of the state, a brewery, not to say anything of many of the two hundred saloons, beer gardens and dance houses, was effectually prohibited.

Rev. W. J. Gillespie, chaplain of the Soldiers' Home, said: "To-day, even the men who opposed the passage of the prohibitory law, feel sure that if it were re-submitted to the people a very much larger majority would vote for its re-enactment and enforcement than when it was first passed. Even the whisky men who are in favour of license, believe that the majority of the people, even in Leavenworth, are favourable to prohibition. But the people opposed to prohibition are more noisy and make more display of their power and force than the prohibitionists and temperance people."

### CONVINCED BY RESULTS.

The opponents of the law, including those who hold as strong views as those expressed by Mr. Shindler, agree that the law has been fairly well enforced in far the larger portion of the state, and with apparent good results.

Evidence is plentiful that the operations of the law have created a sentiment in its favour, and that re-submission of the question of prohibition would result in a much larger majority in its favour than was given in 1880. Governor Martin is a notable example of the once strong opponents of the law who have become its ardent friends and supporters.

One gentleman (Dr. Milner), who has an extensive acquaintance in the state, says that while he knows hundreds of people who voted against prohibition who are now in its favour, he does not know a single person who voted for it from conviction who is now against it. Confirmation of this statement was found by the Commissioners in Ottawa, a town of 8,000 or 10,000 inhabitants. When the closing of the saloons was proposed there was a strong feeling against the proposition ; and many business men united in issuing a circular to the voters, setting forth their belief that prohibition would surely injure the business of the town and retard its growth. Their appeal had such influence that the majority there in favour of closing the saloons was less than half-a-dozen votes. But the actual results of prohibition have caused a revolution of feeling, and now the very men who feared evil are loud in their praises of prohibitition. It is stated that nine-tenths of the business interests of the town are openly and strongly in favour of the law.

The same is said to be true of the business men in a number of other towns. They have been convinced by results.

### EFFECT ON BUSINESS.

Opponents of prohibition are wont to assert that prohibition causes business stagnation. The investigation in Kansas does not justify this assertion. It is found that the cities which observe the law are more prosperous than those which disregard it.

For instance, the population of Leavenworth has steadily decreased. A gentleman, not at all favourable to prohibition, remarked: "There are too many empty business places and houses in Leavenworth to make it a comfortable thing to walk along the streets."

The same thing is true, more or less, of other places in which violations of the law are tolerated, while Topeka and the cities and towns, generally, in which the law is honestly enforced, have had steady increase of population and other indications of prosperity.

The tax-rate in Kansas decreased from 55 cents in 1880 to 40 cents in 1889; while in Nebraska it increased from 39 cents in 1880 to 63 cents in 1889. During these years, from 1881, Kansas was under prohibition, and Nebraska under high license.

Hon. J. A. Troutman, Topeka, who has given much attention to the business side of the question, said : Prohibition has had "good effects upon the business and industrial interests, and in every respect. In this city (Topeka), where it has been better enforced during the entire period of its existence than in any of the other larger cities of the state, the buildings occupied by saloons originally were soon filled up by various branches of trade, the money that maintained the saloons went into other channels of business, and the revenue which was lost to the city by the suppression of the saloons has not been appreciably felt. The general tax-rate has been a trifle lighter on the average since the adoption of prohibition than it was previously. The state taxes have diminished. While I do not attach much importance to prohibition in connection with the state taxes, for the question of prohibition or license in a single state or a single community cannot have a very great effect upon the question of taxation,—but whatever effect it may have, in this state, has been favourable to prohibition. It has been demonstrated that the argument that the closing of the saloons will increase the taxes is a fallacy."

Property has increased in value. In 1880 the assessed valuation of lands was, in round numbers, $87,000,000. In 1889 it was $170,000,000—an increase of ninety-five per cent in eight years. The increase in eight years under prohibition was fifteen per cent greater than in the ten years immediately preceding prohibition. The assessed value of all property in 1880 was $160,600,000; in 1888 it was $353,240,000—an increase in eight years, under prohibition, of over one hundred and twenty per cent. The increase in the ten years immediately preceding prohibition was under seventy-six per cent.

The bankers' statement, sent out from the capital of the state last year, said:—"Kansas has made a record in the decrease of her bank indebtedness in the last nine months of over $6,000,000. State and private banks' reserves have been increased to 41·2 per cent, where the law requires only a 20 per cent reserve. In a tabulated report, Bank Commissioner Breidenthal shows that the private and state banks of the state owe less than $1,000,000, and have due them from banks outside of the state over $3,000,000. The people of Kansas have paid off over $5,000,000 of loans and $380,000 of overdrafts, and the banks have paid $730,000 which they owed banks outside of the state. The total state and private bank indebtedness has decreased $6,299,178.03 during this period of time."

Hon. J. R. Mulvane, President of the Bank of Topeka, issued a statement in 1893, of the business of the state, in which he said: "To comprehend the immense product of the last five years I call attention to the fact that in Kansas cattle alone there passed through the Kansas City stock yards for the year 1882, 80,509 head, which was increased in 1892 to 699,578 head, being an increase of over 800 per cent in ten years; and in the last five alone we have shipped and sold, passing through the same stock yards, over 2,630,000 head of cattle. In swine our production has grown from 770,581 head in 1882, to 2,305,000 in 1890; in the last five years we have shipped and sold, receiving pay, 10,411,000 head of fat hogs. Of wheat we have produced 197,500,000 bushels in the last four years, which, at the average values of the years, brought us $136,500,000. The same four years blessed us with 602,500,000 bushels of corn, which had a market value of $200,000,000.

"The larger portion of this immense production has gone into debt paying and permanent improvements."

Mr. T. C. Noel, President of the First National Bank of Topeka, gave evidence before the Commission. While admitting that he is not, in the strict sense, personally a prohibitionist, he said the law is, doubtless, well enforced and has done good. Asked about the effect of prohibition on the finances of the state, he said:—"I think it has been good. I think it is one of the things that saved us from a bigger drop from our boom than we otherwise would have had."

And about Topeka's expenditure for liquors, he said:—"The flow of money for whisky has diminished by from 25 to 75 per cent. I am in the business where the drafts are drawn for the purpose of paying for whisky, because men do not pay cash for it any more than they do for any other commodity, and there are fewer dollars by 25 to 75 per cent in this way for whisky than there were under license."

Other business men, including bankers and real estate men, were very emphatic in their statements about the beneficial effects of the law on business, property values and financial interests generally.

Rev. Dr. Milner said:—"The material interests of the state have been advanced as respects all lines of business, except those connected with the liquor traffic. We have evidence of it in different ways. I have not statistics, but I have illustrations. For instance, in one of the towns there was a German who had a place near the railroad shops with a partition in the middle of it. On one side of the partition he had a meat shop and on the other side a saloon, and when the law was enforced he had to close the saloon. He said that that seemed to mean starvation to himself and his family. A friend asked him about three months afterwards how he was getting along. He said he was getting along first-rate. Formerly, he said men would come and drink awhile in the saloon and then go and take a little liver or bone away from the next shop, but now the same men will come and buy a great deal more meat, and

a better quality, and I make more money out of it. That is an illustration to show how it works in every line of business."

### EFFECTS ON LABOUR.

The Commissioner of the Bureau of Labour and Industrial Statistics, in 1889, Mr F. H. Betton, said the prohibitory law had been beneficial to the labouring classes in the state. This statement he based upon his investigations and his personal observations. More men, he said, are owing their own homes now than ever before. The workingmen are better clothed and better fed. They do better on the same wages here than they do in towns where liquor is sold.

Mr. E. B. Purcell, a director of the Atchison, Topeka and Santa Fe Railroad, and one of the leading business men of the state, made this statement in 1889: "In my opinion the prohibitory law of the state has been a great success from a business point of view. The state has lost some revenue from the saloons, but it has gained immensely in the direction of public morals, law, order and sobriety. I know personally of numbers of men in the neighbourhood of my own town who before the prohibitory law went into effect were squandering their earnings on drink, and who but for prohibition would be to-day, I believe, without a home or a dollar in the world. But these men are now sober and industrious and have comfortable homes. I believe that railroad men in this state generally share my views as to the success of the law. I have heard many express the same opinion. The amount of liquor brought into the state under the present law and the amount of money sent out are grossly exaggerated. I do not believe it is one-tenth of what it was before prohibition."

The Commission heard evidence to the same effect.

Mr. T. C. Noel, Topeka, said: "I have employed a great many men, and at the time the saloons were open it was a rare thing to begin business on Monday morning with a full force; but since the saloons have been closed it has been a rare thing to open up short of a man. Prohibition has changed that."

Mr. Edward Wilder, secretary and treasurer of the Atchison, Topeka and Santa Fe Railway, testified of the advantages of the prohibitory law. The railway company has, in Topeka alone, 3,000 to 4,000 men at work. The abolition of the saloons, he said, has been a vast benefit to them. He has resided in Topeka 22 years; has seen it grow from 5,000 to 45,000; has observed the conditions under a liquor license system and under prohibition, and says emphatically that there is a much better and more prosperous condition under prohibition. He said: "I am not an absolutely prohibition man in my own practice. If I choose to drink a glass of wine at my own home or at a friend's house I do it, but I am absolutely prohibition as far as the saloons are concerned. There is no question at all but a good deal of the wages which was paid into the saloons (under license) now goes into the houses to purchase better food and clothing for their families. A very large proportion of the houses are owned by the mechanics living in them, and they are paying for them gradually, and are helped to pay for them by the savings of their wages that formerly went into the saloons." It is also, he said, an advantage to the company. "A man coming to us in the morning with his head clear is better than a man who was on the street the previous night."

### PAUPERISM.

Kansas has never had much pauperism. This is true of all the western and newer states. The Commission has no information as to the state's pauperism other than that based on the United States census returns of 1890, which, as explained in another part of this report, give no adequate idea of the number of dependent poor in any state, and which are quite valueless for purposes of comparison.

In 1892, forty-four counties in Kansas, which have poor-houses and farms, were without a single pauper. And in a number of counties there has not been any need for poor-houses.

Hon. S. B. Bradford says that, "Carefully prepared figures from reliable and official sources show that in Kansas we have only one pauper to every 1,350 of our population, the smallest percentage of any state in the Union."

### EFFECT UPON CRIME.

"The saloon breeds crime. The saloon is gone; crime has decreased"—is the testimony of a gentleman conversant with the history of Kansas.

Hon. S. B. Bradford, ex-Attorney General of Kansas, presented "A Comparative Statement of Crime" to the Commission (which is not printed as an appendix to the report), in which he summarizes crime for a period of years. He was Attorney General two terms, of two years each. He says:—

"In 1888, I had the prison officials at our state penitentiary compile a series of tables showing the number of persons sent to the penitentiary, and for what crime, from every county in the state, from and including 1874 to and including 1888. This was for the purpose of comparison, to see if the enforcement of the law had reduced crime in the state."

"In 1874, the population of Kansas was 530,367. We convicted and sent to the penitentiary during that year 169 persons, and 108 of that number were for grand larceny.

"In 1880, the population of the state, as shown by the United States census, was 996,096. During that year we convicted and sent to the penitentiary 291 persons. The year 1880 was the last year of the dram-shop in Kansas.

"In 1881, the first year of the prohibitory law, we convicted and sent to the penitentiary *only one hundred and eighty-four persons*, 107 less than in 1880, notwithstanding the fact that the population of the state had increased at least 25,000.

"On December 30, 1886, there were in the penitentiary 898 convicts besides government prisoners. What are called government prisoners are persons convicted of crimes against the (United States) government in various states and territories, and sent to Kansas penitentiary for punishment, and should not be taken into this account.

"On December 31, 1887, there were 900 convicts in the penitentiary, only two more than in 1886, notwithstanding the fact that our population has increased more in 1886 than in any year of our history.

On the 17th day of August, 1888, there were in the penitentiary 854 convicts, *an actual decrease* of 46 in seven and one-half months.

"The appropriation asked for by the warden of the penitentiary, of the legislature of 1887, was based upon the probable increase of prisoners, consequent upon the increase of population. The expected increase not holding out, there was a surplus to return into the treasury at the end of the year."

As showing the immediate effect locally upon crime, Mr. Bradford instances some of the counties to which as attorney-general he gave personal attention. The figures quoted are from tables based upon official records. He says: "Atchison county, between January 1, 1874, and January 1, 1881, the last year of the dram-shop act, a period of seven years, sent 65 people to the penitentiary. From January 1, 1881, to June 30, 1887, a period of six years and six months under prohibition, only 36 persons were sent to the penitentiary, notwithstanding the fact that the population has doubled in that time. During the year 1886 there were no saloons in Atchison county, for as I have before said, they fell an easy prey in January and February, 1886, and during that year only three persons were sent to the penitentiary. From January 1, 1887, to June 30, only one prisoner was sent to penitentiary from Atchison county."

Other similar records are cited, and he says: "Many favourable comparisons of this kind could be made; in fact many of our county jails are empty."

In his evidence before the Commission, Mr. Bradford said: "One noticeable feature of these criminal statistics is that the ages of the criminal classes in Kansas are growing greater, showing that the younger people of the state are in the schools or on farms, or in the factories, instead of being in the penitentiary."

Hon. J. A. Troutman, who gave evidence at Topeka, said: "I made a comparison with regard to crime between Topeka and thirty or forty other cities which have license. I also made a comparison between Kansas and Nebraska, and the comparison was favourable to prohibition."

The comparisons to which he alludes are contained in a pamphlet presented to the Commission, but which does not appear as an appendix to the report. The following are quotations from his figures:—

"Let us go back to 1879, when Kansas and Nebraska were both operating under the license system, and let the comparison cover the entire period of prohibition in Kansas and high license in Nebraska. In 1879 Kansas had 917 convicts in her prison, while Nebraska had only 129. Kansas has tried prohibition for nine years and has, including fifty military prisoners that do not belong to us, 873, a decrease of forty-four. Nebraska has tried the license system during this time, and has in her penitentiary 345 convicts, an increase of 216. The prison population of Kansas under prohibition has decreased five per cent, while the prison population of Nebraska under license has increased 167 per cent—a showing of 172 per cent in favour of prohibition and against license. * * * The prison population of Nebraska has outrun the general growth of population, while the prison population of Kansas has fallen behind the general growth of the state * * * Kansas has a greater number of convicts in her penitentiary per capita than Nebraska, but the comparison is by no means as unfavourable to Kansas now as when both states were under the license system. Kansas had four times as many convicts, population considered, ten years ago under license as Nebraska had under the same system, but prohibition in Kansas and license in Nebraska are rapidly cutting down this disparity."

In 1893 the number of convicts in the Kansas penitentiary was still further decreased, though the population of the state has increased. There were 855 prisoners in the penitentiary the day it was visited by the Commission. Of these 55 were United States' prisoners, and 30 were from Oklahama, so that but 770 were really Kansas convicts. It may be mentioned, also, that convicts sentenced to be hanged accumulate in the penitentiary, as none are ever hanged in Kansas. The sentence in such cases is confinement in penitentiary for one year, and after that to be hanged on the order of the governor. But, as the warden told the Commissioners, "the governor never gives the order." There are 44 such prisoners, some of them having been there many years.

The comparison of criminal statistics already quoted deals with two other records, thus,:—

"Kansas and Nebraska have reform schools for boys. Both were started about the same time, and are run upon essentially the same plan. Nebraska's reform school has 245 inmates, while in Kansas we only have 174. If Kansas had as many as Nebraska in proportion to her population, there would be 392 boys instead of 174. Taking Nebraska as an example, we lack 218 boys of having our share.

"Where are these missing boys? On the farm, in the store and shop, and in the school, growing up to manhood without personal knowledge of what a saloon is. Until some better explanation is given, I shall firmly believe that the absence of saloons from Kansas and their presence in Nebraska is, at least, a partial solution of this problem."

"Passing from the penitentiary to the police court, from the highest to the lowest grade of crime, and the showing in favour of prohibition is even more gratifying.

"I have compared the record of crime in fourteen high-license cities, and ten low-license cities, with the record of Topeka, basing the figures upon population and the total number of arrests during the past year. The population given from this table, is either official, from local census returns, or the estimate of the officers of the

respective cities. The figures from Chicago do not include the recently annexed suburbs, that added about 100,000 to her population.

"I have taken Topeka as the basis, and figure from the official report of our police commissioners, made only a few days ago."

COMPARISON OF CITIES.

| City. | Population. | Number of saloons. | Number of arrests. | Excess, taking Topeka as a basis. |
|---|---|---|---|---|
| Topeka, Kansas | 45,000 | None. | 1,616 | ..... |
| Little Rock, Ark | 30,000 | 45 | 2,932 | 1,882 |
| Joliet, Ill | 30,000 | 54 | 1,760 | 710 |
| Omaha, Neb | 110,000 | 265 | 12,543 | 8,793 |
| St. Joseph, Mo | 82,000 | 130 | 3,909 | 1,040 |
| Dallas, Texas | 50,000 | 100 | 3,721 | 1,971 |
| Bloomington, Ill | 25,000 | 52 | 1,116 | 230 |
| Leadville, Col | 15,000 | 72 | 2,058 | 1,530 |
| Columbus, Ga | 30,000 | 41 | 2,062 | 1,012 |
| Chicago, Ill | 950,000 | 4,200 | 50,432 | 18,932 |
| East St. Louis, Ill | 15,000 | 100 | 1,573 | 1,040 |
| Springfield, Ill | 35,000 | 115 | 3,233 | 2,008 |
| Springfield, Mass | 42,000 | 36 | 2,084 | 614 |
| Parkersburg, W. Va | 10,000 | 34 | 768 | 418 |
| Philadelphia, Pa | 1,000,000 | 1,172 | 46,899 | 11,899 |
| Charleston, S. C | 60,000 | 221 | 3,210 | 1,110 |
| La Crosse, Wis | 30,000 | 144 | 2,375 | 1,325 |
| Lynchburg, Va | 22,000 | 66 | 2,575 | 1,805 |
| New York City | 1,650,000 | 7,809 | 85,049 | 27,299 |
| Richmond, Va | 100,000 | 314 | 6,290 | 2,790 |
| Buffalo, N.Y | 250,000 | 1,850 | 14,149 | 5,399 |
| Lexington, Ky | 28,000 | 85 | 2,322 | 1,342 |
| San Francisco, Cal | 325,000 | 3,000 | 19,460 | 8,091 |
| Baltimore, Md | 425,000 | 2,860 | 29,789 | 14,914 |
| Elmira, N.Y | 32,000 | 218 | 1,830 | 710 |
| | ..... | 22,983 | ..... | 118,864 |

"This tabulated statement shows an aggregate of 118,864 more arrests in these twenty-four cities than there would have been if they had been as orderly as Topeka. This excessive number of arrests is explained by the second column of figures, giving the number of saloons in those cities—22,983 saloons.

"The cities are distributed from the Atlantic Ocean to the Golden Gate, and from the Gulf of Mexico to the Queen's dominions; fourteen of them are smaller than Topeka and ten are larger; some are in cultured New England and some in the rough-and-ready west; but altogether they typify the American city. These mute figures are a more significant comment than any words of mine."

ENFORCEMENT.

It is frequently urged that it is not possible to enforce a prohibitory law. The experience of Kansas is against this contention.

Hon. A. H. Horton, Chief Justice of the Supreme court of Kansas who has lived in the state thirty-five years, made a statement to the Commission which must have weight with those who have sincerely doubted the possibility of efficient enforcement. He said:—"The license law was not better enforced than the prohibitory law is." Speaking of alleged difficulties and failures in enforcement, he said:—"The difficulties and failures have been equally great in other cases as in liquor cases." The prohibitory law is as well enforced as the law against gambling and the laws against disorderly houses, and in the cases brought into court the proportion of convictions is even greater."

About the alleged commonness of perjury in liquor cases, he said:—"I do not think there is any more than there is in the cases of disorderly houses or gambling. At the commencement of the enforcement of the prohibitory law in the state, I think there was a great attempt on the part of witnesses to evade giving direct information as to violations of the law, and especially as to their obtaining liquor in the places prosecuted, and paying for it; but that is largely changed, and I do not think there is now much trouble in obtaining proof and convicting. I do not know that there is any more false testimony given in these cases than is generally given in the courts. I judge that there is not, because now convictions under the law are very easily obtained."

A mass of testimony, confirmatory of Judge Horton's evidence, has already been quoted about the closing of a brewery at Leavenworth. The other breweries in the state were, also closed, though some of them made a long and severe struggle before yielding to the law's power. The case of one may be taken as illustrating the triumph of the law. The case is cited by Hon. S. B. Bradford, attorney general at the time.

At Lawrence, John Walruff owned and operated a large brewery in violation of law. The defendant, Walruff, had done more to strengthen the fight against the law than any other man in the state. He engaged eminent counsel and fought to the bitter end. He applied to the court for a transfer of his case from the state to the federal court, on the theory that a federal question was involved; that to grant an injunction and deprive him of the use of his property for which it was peculiarly constructed, was a confiscation and a taking of this property without compensation, and in violation of the constitution of the United States. The judge of the circuit court of the United States held that a federal question was involved, and that the Kansas law could not prevent the manufacture of beer, or other intoxicating liquors, for sale in the markets of the world, where it was not a prohibited article.

The brewers and the friends of the liquor traffic generally supposed their troubles ended, and that they could henceforth manufacture and sell at wholesale in spite of the prohibitory law. They were, naturally, jubilant; and the friends of prohibition were correspondingly discouraged. But the Attorney General of the state appealed the case to the Supreme court of the United States. The National Brewers Association espoused the cause of the Kansas brewers, and employed eminent counsel to defend the case; but without avail. The judgment of the highest tribunal in the country was to the effect that: "The power of police regulation is inherent in the state, and should the state legislature place its seal of condemnation upon the traffic of that which tends to produce "pauperism and crime, there is no power to prevent it."

Then Mr. Walruff's troubles began again. They are best told in a letter from himself to the Secretary of the United States Brewers Association, dated March 25 1887, extracts from which follow. He was then in St. Louis, Mo., to evade prosecution. He wrote:—

"In Kansas the outlook is very blue, and I will be compelled to give up the fight. First, on account of my health and my age, I cannot stand the annoyance any longer; second, it does not pay to keep up the fight any longer. I will state to you my experience during the last four or five months. In November last we had a grand jury, and from the make-up of it, it was certain they would find indictments against me. I, my son and my son-in-law left the state until after the adjournment of the court, when we returned, and had to enter into a bond amounting to $9,000 for our appearance at the February term of court. The court convened on the 7th of February, and again we had to leave the state, and our bonds were forfeited. It was found out that we were in Missouri, and the Governor of Kansas made a requisition upon the Governor of Missouri for our delivery. * * * I had the influence and the assistance of two Senators from Missouri, who acted as my attorneys, but of no avail. The Governor granted the requisition and the sheriff brought me back to Lawrence, Kansas. My son and son-in-law meanwhile had gone to Nebraska. After coming home, the judge raised my individual bond to $5,000. * * * If I had gone to trial, conviction would have been sure, and

the least fine the court would have inflicted would have been $1,500 and fifteen months imprisonment in the county jail. This I would not do, and I left the state again. When the court was called and I did not appear, the judge raised my bond to $25,000, my son's to $9,000, and my son-in-law's to the same amount—$43,000 in all. Since February 7, with the exception of the one day that the sheriff brought me back, we have been wandering over the country, from one state to another, and do not feel safe anywhere. We were in Missouri, Nebraska, Iowa, Illinois and Missouri again. We cannot stay in one place any length of time, as we are hounded worse than murderers or horse-theives. What the end will be I cannot foretell. Under the circumstances, can anybody wonder that I would throw up the sponge? I have fought the fanatics for six long years. Their hatred toward me is unbounded. All they want is to down me, and then they are of the opinion that their victory is complete. * * * Since January, I have quit selling in Kansas, and opened a depot in Kansas City, Mo., where I ship my beer, and have to find a sale from there. Our last Legislature has made the law much stricter, and it will be very hard to sell any beer hereafter in Kansas. There is only one hope left for me—my friends at home, with the assistance of my attorneys, are working on the attorney-general to induce him to enter a *nolle prosequi* in our cases, on the ground that we have actually removed our business out of the state. Whether my friends will succeed it is hard to tell. The governor has been seen, and he was requested to commute the imprisonment if I would plead guilty and pay the fine; but the pressure is so great that he does not dare to do it. If the arrangement with the attorney-general fails, I do not know what to do. It looks to me as if I had to abandon house and home, and leave everything to the mercy of my prosecutors."

What success he had in getting the matter settled and continuing to defy the law is explained in a letter written by him on May 21, following, in the jail at Lawrence, Kansas, to the same gentleman. He wrote: "As much as I desire to attend the twenty-seventh annual convention of our association (the U. S. Brewers Association), I am deprived of coming to Baltimore. The reason for this is plain and simple. I am incarcerated in our county jail. You will be astonished, and ask for what? For the only reason that I have committed the enormous crime of selling beer at wholesale."

That prohibition prohibited in his case there can be no doubt. There is no lack of evidence that there has been equally effective enforcement of the law against saloon keepers and liquor dealers of every kind in every part of the state prohibiting them.

### PUBLIC ORDER.

The effect of prohibition on public order throughout the state has been demonstrated. Dr. Milner, who has had opportunity to observe the order of great public gatherings, said:—

"I have been present for several years at the Chautauqua Assembly, which is held at Ottawa. We had celebrations there when great numbers of people were present, Fourth of July celebrations, when excursions would come in from everywhere about. On one occasion, when John A. Logan was present, it is estimated that 30,000 people were there, and there was not a solitary arrest that day. I cannot think that such a thing would happen anywhere on the face of the earth where the sale of liquor and open saloons were permitted."

During the session of the State Legislature in 1893, there was a remarkable and severe struggle between the Republicans and the Populists for the possession of the Legislative Chamber and the control of legislation. Thousands of men were congregated in Topeka from every part of the state. It was a time of great excitement, and the most intense and bitter partizan feeling prevailed. The struggle continued for several days, and for days and nights together many people scarcely slept. There was dreadful apprehension that there would be a general fight. But there was no violence. In the crowds which thronged the streets and state buildings

there was no signs of drunkenness, and there was no violence. Witnesses who appeared before the Commission attributed the avoidance of riot and bloodshed to the absence of saloons.

### EFFECT ON IMMIGRATION.

It is sometimes said that prohibition deters immigration into a state where it is in operation. On the other hand, it is claimed that prohibition in a state makes it more desirable to those seeking to establish homes.

Inquiry was made as to these points. Statements of both kinds were made. No statistics were available, and if they had been they would have been of little use without personal local knowledge.

Rev. J. G. Dougherty, whose knowledge of the state, and the movements of population was evidently full and accurate, said:—"If I were to give you my own personal opinion, I would say that a great many have come into the state in order that their sons might escape temptation. I have known a great many of such cases. As to persons who have left the state, or who have refused to come here because of the prohibitory law, if there have been such I have not known them. I have known cases of men who have radically changed their views and have come to favour prohibition, especially in the country. I know Germans who after the prohibitory law was first put into force used to go to Ottawa and get their beer, which was shipped to them from Kansas City, a keg at a time. To one of these men I once said, 'I do not see you taking beer as you used to.' 'No,' he said, 'I do not take any more.' 'Why?' he was asked. He answered, 'I had enough for myself, and my boys can get along without it.' The man, finding that drinking was not common with his neighbors had simply dropped it."

Speaking of the town of Ottawa, he said:—"We could trace directly to the closing of the saloons the coming there of families possessed of from $50,000 to $75,000, who would not have come otherwise."

The only farmer heard was Mr. C. McLean, who happened to be in Ottawa when the commission visited that town. He said:—Prohibition "has been one of the grandest things we have had in our state." The farmers are greatly benefited by it, he said, and added:—"There are men who would not have a dollar to-day but for prohibition, and who are now well-to-do." And the influence on farmer's sons, he said, is markedly beneficial.

Another gentleman, president of a bank, owner of a stock farm a few miles from town, said:—"I have a man working for me, a very valuable man, but one who must have a spree as often as he can get liquor. That man was here yesterday, and he went home sober; he could not get liquor. If there had been a licensed saloon he would have got some; he would have got drunk; he could not have helped himself."

### THE CAPITAL.

Topeka, the capital of the state, in which the exciting events described occurred, is a city of 45,000 people. Nobody who gave evidence denied that that the prohibitory law is enforced in the city. There are no saloons; and if a "joint" is started it is not permitted to exist more than a few days. During a ride about the city with the mayor, your Commissioner asked to see the slums where the illicit liquor dives and the class of people which usually congregate in such localities might be seen. The mayor said:—"I am glad to be able to say that we have no such section in this city." And, neither in the evidence of witnesses nor by the observation of the Commissioners, did anything come to their knowledge to disprove the statement of the mayor.

The business of the city flourishes, the population increases, and the people are contented and happy in their freedom from the baneful influences of the liquor traffic.

Drunkenness and its attendant evils and crimes are the only things which have decreased in the city and vicinity.

Mr. S. M. Gardenhire, clerk of the district court in the county, which includes Topeka, testified that crimes of all kinds have decreased under prohibition. He said: "We have no criminal business to speak of in this county, and have not had since the adoption of the prohibitory policy. We have almost none. We have less than four cases on our docket now, in this county of eighty thousand people. We do not average a capital offence per year in this court, and this court has exclusive criminal jurisdiction. We have sent less than twelve men to the penitentiary in the past year from this county for all crimes."

### ATTITUDE OF THE CHURCHES.

The great body of christian people in the state are in sympathy with the prohibitory law, and are advocates of its strict and impartial enforcement. The leading denominations, in conference, presbytery, association and convention, and though official representatives, have affirmed and reaffirmed their confidence in the law and its efficiency and beneficence so emphatically and frequently as to place their position on the question of the proper way of dealing with the liquor traffic beyond doubt or discussion.

### TESTIMONY OF OFFICIALS.

In 1889 the probate judges of all the 106 counties of Kansas were asked for information as to the effects of the prohibitory law. Among other questions the following were asked:—"How successfully has prohibition closed the saloons in your part of the state?" and "To what extent, in your judgment, has it diminished drunkenness and the consumption of intoxicants for beverage purposes?"

There were replies from 97 counties; for 75 of the counties the answers were written by the probate judges personally, and for the other 22 counties by county Treasurers or other officials or by prominent private citizens. Every reply, whether favourable or unfavourable to prohibition, was summarized. Ninety-four of the writers declared positively that there were no open saloons, while the other three made qualified reports. Ninety-two stated that drunkenness and the consumption of drink has been greatly diminished. A majority, in estimating the extent of the diminution, placed it at from 75 to 90 per cent; others said that drunkenness and drink had been "entirely eradicated" in their parts of the state, or "almost totally," or were "too small to estimate," etc.

Of the repressive effect of the law upon crime, pauperism and like evils, the probate judges speak with equal positiveness of its beneficent action. The question submitted to them touching the law's relations to pauperism and crime was intended to ascertain not merely whether there had been an improvement, but also whether the improvement had been great enough to compensate the Kansas communities, pecuniarily, for the loss of license revenues. It was worded as follows:—"In your judgment has not the loss of the revenue from former saloon licenses been more than made good by the decreasing burdens of pauperism and crime resulting from prohibition, and by the directing of the money formerly spent in the saloons now into legitimate channels of trade?"

A fair percentage of affirmative answers to so sweeping a query would have gone far toward vindicating the prohibitory law against all ordinary criticisms. But the replies showed much more than a fair percentage of favourable ones; indeed, there were very few who did not respond emphatically in the affirmative. No less than 90 of the 97 counties reported a decrease in crime and pauperism so marked as to more than offset the loss of revenue.

In 1889 the Kansas state temperance union issued a formal declaration signed by its officers, concerning the results of the prohibitory law. In that statement were the following paragraphs:—

"The law is efficiently and successfully enforced. The direct results of its enforcement are plain and unmistakeable. We believe that not one-tenth of the amount of liquor is now used that was used before the adoption of the prohibition law.

"Our citizens fully realize the happy results of the prohibition of the manufacture and sale of liquor, as these results are seen in the decrease of poverty and wretchedness and crime, and in the promotion of domestic peace and social order—in the advancement of general enterprise and thrift. In our opinion, the prohibition law is now stronger with the people than it was when adopted. It has more than met the expectations of its warmest friends. It is steadily winning the confidence and support of thousands who were its bitterest enemies."

Appended to this statement was the following endorsement:—

"Topeka, Kansas, April 16, 1889.

"We have examined the statement prepared by the president and secretary and the ex-president and ex-secretary of the Kansas State Temperance Union upon the subject of prohibition and its results in our state. We find it a fair, honest and true statement of our condition, and we heartily endorse it as such.

(Signed) "Lyman U. Humphrey, governor.
"William Higgins, secretary of state."
"Timothy McCarthy, auditor of state.
"J. W. Hamilton, treasurer of state.
"G. W. Winans, supt. public instruction.
"L. B. Kellogg, attorney general.
"Albert H. Horton, chief justice.
"D. M. Valentine, associate justice.
"W. A. Johnston, associate justice."

### EDUCATIVE EFFECT.

Chief Justice Horton told the Commission that the prohibitory law is creating a sentiment not only in favour of itself, but in favor of every other restriction of the liquor traffic." This opinion was concurred in by many witnesses.

Mr. H. C. Bush, president of the Kansas State Sunday School Union, says:—"The law has made drinking disreputable; it has saved many men who ten years ago were tottering over the precipice of drunkenness; it has removed from the young and the slaves to appetite the open, public temptation to drink; it has caused to be reared an army of large boys who have never seen a saloon nor the drinking of liquor."

President McVicar, of Washburn College, says it bequeathes a heritage of sobriety to the youth of the state; and ex-Governor Humphrey says:—"There are thousands of children who do not know what a saloon is, except as described in newspapers, books, or by their parents."

That men who have always drunk in moderation, and some who are excessive drinkers, having in view the effect of drinking and drink-shops on their sons, are in favour of prohibition is shown in this incident, related by one of the witnesses. He said: "I recollect, for instance, a highly educated and respectable German, who said to me: 'You will be surprised to find that I am voting with you.' I said, 'I am surprised.' 'Well,' he said, 'I have drunk wine and beer, and I expect to do so as long as I live, but I want my boys protected.' He had nine boys. 'I have been offered good positions in Kansas City for them, but I would not take my boys and put them under the influence of the saloons, while I can live here. I have known a man in Atchison, a drinking man, to say publicly that so far as he was concerned he believed in the law that protected his boys, though it didn't protect him, for he had gone too far. I believe there are quite a number of such cases."

One of the most striking examples of the law's educative effect upon the young people of Kansas was given the Commission by Hon. Mr. Gaines, state superintendent of public instruction. Asked about the effect of prohibition on the school-going youth of the state, he said:—

"It is excellent. The effect is grand. I have been a teacher for a number of years in the state. I have been connected with the high schools, public schools and

college work. We have the country high school system in this state. In Dickenson county I stood before one of the high schools and asked how many of the pupils had never seen a saloon. Out of an attendance of 140 over 100 of their hands went up in answer ; they were young boys and girls who had never seen a saloon. We have a four weeks term of special training for teachers in the summer months in each county, and I have asked as many as 140 or 150 teachers at these assemblages how many had never seen a saloon, and in answer the majority of hands went up. This shows that we have driven the saloon from the state."

The effect on the younger voters of the state is very marked. Mr. Ira D. Chamberlin, journalist, Leavenworth, said :—"Anyone who has lived in the state prior to the passage of the prohibitory law, and has lived here since, will not need any argument to convince him that so far as the morality of the people and the effects of the law on the public interest in all its higher branches are concerned, prohibition has been a success. There has been a feature of this question which has been growing in interest and importance, that is, the attitude of the young people who are growing up and becoming of legal age to vote. This movement for prohibition was started in 1878. Since that there has been a large growth of children into voting men, and these are almost entirely temperance young men. There are tens of thousands of young men between the ages of 21 and 25 in this state that know nothing of the vile associations that gather around the saloon, and I could find you thousands that were never in a saloon. I have lived in the central part of the state and I have travelled throughout the state a good deal in connection with the associated press, and I have talked with a great many young men who have never been in a saloon, and who have grown up with a natural antipathy to the traffic. That is going to be of great assistance to the parties who desire to destroy the liquor traffic."

In illustration of the foregoing views and statements, this instance, related by one of the witnesses, is quoted :—"In 1888 this law had been in force seven years. There was at the Copeland House, in Topeka, a meeting of the young men's Republican clubs from all over the state. There were about 500 young men there from 21 to 35 years of age. I talked with one of them who had been a newspaper correspondent and had travelled a great deal throughout the state. I asked him how such a gathering would have been ten years ago ? He said, 'they would be all blind drunk by this time.' That evening they were all sober."

And this condition the witness attributed to the prohibitory law.

## "FACTS NOT OPINIONS."

Rev. Dr. Milner, who gave evidence before the Commission at Topeka, presented, as part of his statement, a pamphlet entitled "Prohibition in Kansas—Facts Not Opinions." It contains, amongst other things, the testimonies of eminent men in the state. It was requested that the pamphlet, or the essential portions of it, be included with the many appendices, more or less relevant and valuable, which accompany the Commission's report. To this request, made by a Commissioner, the majority of the Commission declined to accede. The undersigned, therefore, feels it his duty to quote some of the evidence it contains—and the more so as from another pamphlet, put in by the same gentleman, entitled "Prohibition and How to Enforce It," quotations of the portions referring to non-enforcement in certain places are freely made in the report of the majority of the Commission.

Following are some of the statements alluded to :—

United States Senator Plumb, of Kansas, said, October 22, 1889 :—"That there has been a great diminution in the consumption of liquor and in the consequent drunkenness and crime in the state, as the result of the exclusion of the saloon, is everywhere noted and confessed. In fact, no evidence on this point is more conclusive than that the brewers and distillers are so urgent to have saloons re-established. They are not spending large sums of money in this matter for fun. The argument that the people of Kansas are spending large sums of money in Missouri for whisky which they would do better to spend at home is similarly disposed of,

when we observe that the liquor manufacturers and wholesale dealers of Missouri are deeply engaged now, as they always have been, in the effort to change the policy of Kansas on the temperance question. They know where their interest lies.

"We have at successive elections chosen legislatures almost unanimously instructed to regard prohibition as the settled policy of the state, and to enact laws proper for its enforcement. They have similarly chosen state and local officers to enforce such laws as might be passed. They will not suddenly change the policy thus established and maintained. They will ponder long and thoroughly discuss the question before resolving to bring back the saloon, or to relax the efforts heretofore made and attended with so much success to prevent the spread of and to eradicate the evils of the liquor traffic; and in my judgment they will never return to the policy which they have so deliberately put behind them."

Congressman Kelly, of Kansas, November 26, 1889, said:—"No law ever passed has added so much to the comfort and happiness and contentment of a people as has the prohibitory law in Kansas, and the people of Kansas know it. Of all the legislation ever passed in Kansas—and much of it has been good—prohibition is the brightest jewel in her crown; and Kansas is to-day, on account of prohibition and the courage of her people in sustaining it, the citadel around which cluster the hopes of humanity for the eradication of the greatest curse of this country, the saloon. Other states may reject, other people may falter, but the people of Kansas never. After having struggled to success through discouragements, and stood in the sunshine of its great success for years, why agitate so absurd a proposition?"

November 28, 1889, Congressman Morrill said:—

"I am fully satisfied that the law has been a blessing to the state; that it has largely reduced the sale of intoxicating liquors."

Hon. A. H. Horton, Chief Justice of the Supreme Court of Kansas, said December 16, 1889:—

"Under the laws of our state, the open saloon has been banished utterly from its limits. The overwhelming sentiment of Kansas is against the saloon, and a complete revolution will have to take place in the minds of a majority of the voters before the saloon traffic will again exist in the state. With the abolition of the open saloon, the vicious habits of treating has passed away. With us, the habitual use of intoxicating liquors is a bar to political preferment, and the saloon is no longer a potential factor in elections. The effect of the passage of the law was immediate. The hand of the liquor seller, before stretched out between the hand of the employer and employee, disappeared from the pay table. Grocers, bakers and dealers in clothing noticed a change. The money came to them for the necessaries of life that before had been expended for its bane and curse. The traps before set at every step for the feet of the laboring man disappeared. The father is no longer allured, with the consent of the state, to squander the money of his wife and little children. He no longer takes the furniture or the scanty clothing from his little home, and exchanges it for money at the pawn shop, spending the proceeds in the nearest saloon. Employers have repeatedly testified to the benefits which came with the change."

Hon. W. A. Johnston, Associated Justice of the Supreme Court, said in November, 1889:—

"I think that prohibition grows stronger as time passes. It is correct in principle, practicable and highly beneficial in its operation. It is reasonably well enforced in most of the counties of the state, and I believe that by an earnest, determined effort of the officers it could be enforced in every county. Aside from the vote adopting the amendment, the issue has been repeatedly presented at each of the state elections, and the result shows an overwhelming sentiment in favour of prohibition. I regard it to be as firmly fixed in our political system as free schools and homestead exemptions."

Prof. James H. Canfield, of the Kansas State University and president of the National Educational Association, says:—

"When I began work in the State University in Lawrence, twelve years ago, every student was obliged to pass thirteen saloons on his way to the postoffice for

his daily mail. There is not now a saloon in this city of 12,000 people, nor anything that corresponds to a saloon. The mass of our school children never saw a saloon, and do not know what it means. This is also true of many of the older students in the university. We already have a generation almost on the stage of active life *who have never been tempted.* Social drinking is impossible. The moral sense of the community has so risen and has been so tempered that no conceivable conditions or circumstances could ever again make the saloon-keeper or the bar clerk respectable."

Judge W. C. Webb, who is spoken of as one of the ablest jurists in the state, said April 4, 1890:—

"I voted in 1880 against the prohibitory amendment. For four or five years afterwards I thought my opinion as to probable results was likely to be vindicated. But it is not so now. Prohibition has driven out of Kansas the open saloon, and has accomplished a vast deal of good—a thousand-fold more than any license law ever did or ever could. A return to whisky and saloon rule would not bring an additional dollar to the state, nor grow an additional bushel of corn, nor give a single ounce of bread to hungry, nor clothe the nakedness of a single beggar. The whisky traffic never had a single virtue nor a possible merit. It was permitted only as preferable to a worse evil, prevailing idea for many generations being that unless licensed and taxed, and so brought within the control or restraint of law, it would be absolutely free to damn and curse and kill the human family. Now that it has been demonstrated that the law can and will prohibit its open and public sale, and prohibit the running of drunkard-making and beggar-making mills, there is no longer any occasion for men to choose between evils, for they can choose the good; and prohibition has proven to be and is unmistakeably good, as compared with open saloons."

Senator Buchan, of Wyandotte, Kansas, said October 22, 1889:—

"I can't recall a single person who voted for the amendment that would now vote against it, while on the other hand you can find hundreds who voted against it who would now vote to retain it in the constitution. I voted against the amendment and have never been a prohibitionist, but I prefer to cast my lot among respectable, law-abiding citizens as against law-breakers and nullifiers. I believe the state is better for prohibition. Crime has decreased, court expenses have been reduced, communities have been made more respectable, and individuals have been made happier for it. The promiscuous consumption of liquors has been made less respectable. Why travel over the railroads of the state, and ask the persons engaged in the management of our transportation lines, and they will tell you that the crowds who travel over them on excursions and holidays are more orderly, quiet and respectable than before the adoption of the amendment. The jolly crowds they receive from stations now are much less apt to have their spirits clouded by indulgence in intoxicating liquors, and the pleasure and comfort of women and children less endangered than under the old regime; and as a matter of fact we are all fast learning that we can live and move about without guzzling whisky, and that our 'personal liberties' haven't been so seriously circumscribed after all."

Hon. J. W. Hamilton, State Treasurer, said November 24, 1889:—

"It is well known to my friends that when the prohibition question was first agitated I was an anti-prohibitionist. I did all in my power to defeat the amendment. I was what they called a Glick resubmissionist. But I was mistaken then. The prohibitory law has my endorsement, not alone because it is the doctrine of my party, but because I believe it is right, I do not see how any fair-minded man who has lived in Kansas for the past five years can be otherwise than in favour of the law. I don't want my children, nor any other man's children, to grow up where they will be confronted by saloons every day of their lives. I am satisfied with the law, and shall vote and work to keep it in force."

Governor John A. Martin, was one of the most resolute opponents of prohibition in 1880, but before his death became a firm advocate of the cause—converted by the logic of its success. In his last message to the Legislature he said —

"There is no longer any issue or controversy in Kansas concerning the results and beneficence of our temperance laws. Public opinion, it is plainly apparent, has

undergone a marked change, and there are now very few citizens of Kansas who would be willing to return to the old order of things. The change of sentiment on this question is well grounded and natural. No observing and intelligent citizen has failed to note the beneficent results already attained. Fully nine-tenths of the drinking and drunkenness prevalent in Kansas eight years ago have been abolished; and I affirm, with earnestness and emphasis, that this state is to day the most temperate, orderly, sober community of people in the civilized world. The abolition of the saloon has not only promoted the personal happiness and general prosperity of our citizens, but it has enormously diminished crime; has filled thousands of homes, where vice, and want, and wretchedness once prevailed, with peace, plenty and contentment; and has materially increased the trade and business of those engaged in the sale of useful and wholesome articles of merchandise. Notwithstanding the fact that the population of the state is steadily increasing, the number of criminals confined in our penitentiary is steadily decreasing. Many of our jails are empty, and all show a marked falling-off in the number of prisoners confined. The dockets of our courts are no longer burdened with long lists of criminal cases. The business of the police courts of our larger cities has dwindled to one-fourth of its former proportions, while in cities of the second and third class the occupation of police authorities is practically gone. These suggestive and convincing facts appeal alike to the reason and the conscience of the people. They have reconciled those who doubted the success, and silenced those who opposed the policy, of prohibiting the liquor traffic."

Governor L. U. Humphrey, in his annual message to the Legislature in 1889, said:—

"The growth of public sentiment in support of constitutional prohibition in Kansas is steady, healthy, and unmistakeable. The saloon as a factor in politics, as a moral iniquity, has been outlawed and made a fugitive and a vagabond on the face of the earth, or that part of it within the territorial limits of Kansas. The law generally is being respected and enforced, because by a sort of educational process it is becoming identified in the public mind with other criminal statutes. The records of courts and of prisons, from the city calaboose to the penitentiary, show a diminution of crime and a falling off in our prison population, bearing the most incontestible evidence of the efficiency of the present law and of the prohibitory policy which the law is designated to enforce."

Later, Governor Humphrey, writing in answer to a question about prohibition, said: "It is not needed to disguise the fact that there are some cities and towns in Kansas where the law and the constitution are violated. Every penal statute ever enacted has been violated. But you can boldly tell your co-workers that prohibition is neither a farce nor a failure; that the open saloons outlawed and the vocation of the bar-keeper gone; that *since prohibition was enacted the state has increased in health and population and prosperity, and that crime has diminished.* You can join with one of Kansas' purest and ablest citizens, the late Governor Martin, the shadow of whose death still hangs over us, who loved Kansas, and whose memory is, and will for all time to come be held in devout reverence, who said in his last message to the Legislature: 'I affirm with earnestness and emphasis that Kansas is to-day the most temperate, orderly, sober community of people in the civilized world.'"

## CONCLUSIONS.

The Commission heard much evidence similar to that quoted. The following statement by Mr. J. L. Bristowe, editor and proprietor of the Salina *Daily Republican*, and which is the last statement in the Kansas evidence, covers the principal points of the investigation, and summarizes the great body of evidence heard about the Prohibitory Law—its enforcement and its results:—

"The workings of the law in Kansas have been somewhat varied. The fact that its enforcement depends largely upon officers who are elected by the electors of the locality has quite and influence upon the leniency with which the law is enforced in those localities. * * * But even in those centres in the state—and there are

but few—where before the prohibitory amendment was passed the saloon interests were intrenched by breweries and wholesale liquor houses, and much capital invested, the workings of ten years have wrought a great change. In the time of the saloon the liquor dealer was a man with money and influence, and a strong political force; now he is an outlaw, the same as a gambler or the keeper of a disreputable house, and the same odium which is attached to the liquor dealer is fastening itself upon his business, so that men of anti-prohibition sentiments will not go into the joints and buy liquor, because they regard it as disreputable, and officers are much more vigorous now than they were or ever have been in the suppression of these places where liquor is sold as a beverage. As a result, young men of respectability and character who are growing up know nothing about the evil of the saloon, and are sober and industrious, and instead of spending their money for drink and gambling they buy other luxuries, such as bicycles, fine clothing, &c. Example after example could be given in this line. The club house is the only house where liquor in drunk with any degree of respectability, and these are rare, and exist only in the large cities; but public sentiment is branding them, and the odium of the joint is fastening itself upon these clubs, and they are becoming disreputable and fewer. Where one is maintained it is maintained in the greatest secrecy. As a result the temperance sentiment has greatly increased. In Kansas prohibition is much stronger now than it was when the amendment was passed. * * * The people of Kansas are overwhelmingly opposed to the return to the saloon, which is indeed the strongest evidence of the success of prohibition. While our own city is one where the anti-prohibition sentiment is strongest, where the liquor interest had large investments and wholesale houses before the passing of the amendment, still in the course of years they have been rooted out, and to-day the influence of the liquor forces is weaker than it has been at any time since the amendment passed, and we have an implicit faith in the absolute triumph of prohibition. The difficulties the temperance people have gone through to kill the power which has such an enormous capital behind it, and so many votaries from the cravings of appetite, have been many, but the success in Kansas demonstrates beyond question that the enactments against the liquor traffic are the only effective way of controlling these evil influences."

The conclusions at which your Commissioner has arrived from a careful study of all the facts ascertained, and from personal investigation and observation are:—

1. That prohibition in Kansas has passed the experimental stage and is now the settled policy of the state.

2. That wherever enforce the good results are undeniably great.

3. That in every part of the state, except in the border towns, and perhaps a few interior places where the people have been very strongly opposed to it, the law has been efficiently enforced; and that even in these excepted places there have been times when the prohibition has been absolute, and at all times the illict traffic has been seriously hampered and reduced, with corresponding benefits to the communities.

4. That the consumption of liquors in the state has greatly fallen off; liquor dealers who formerly made large sales in the state admitting that the law has made Kansas an unprofitable territory for their business.

5. That the liquor traffic has lost most of its influence in the politics of the state, what influence it does now exert being from neighbouring states, and lessening each year.

6. That crime has been lessened considerably; and the tendency is towards still farther reduction.

7. That business in the state has not been hindered, but greatly helped by prohibition; that property values have been enhanced, and the rate of taxation reduced.

8. That the effects on the social, educational, moral and business interests have been such as to commend the law to the favour of the great majority of thoughtful citizens, including many who were orginally opposed to it; and that if the question were now, after twelve years experience, submitted to the people the prohibitory law would be endorsed by an increased majority.

9. That the prohibitory law Kansas has, all things considered, so much suppressed the liquor traffic and its accompanying miseries and evils, and has so much

promoted sobriety and its accompanying prosperity and blessings, that it is fairly entitled to be declared a marked success.

## GENERAL OBSERVATIONS.

Before passing from this section of the report your Commissioner desires to say:

1. That the investigation and his observation in the prohibitory states visited by the Commission have not impressed him that the law in any one of them is perfect, either in construction or in operation. Like other human enactments, prohibitory laws have defects.

2. It has been learned that for proper enforcement much depends on the officers for the time being; and that officers, like other men, are sometimes susceptible to influence which lead to a lax discharge of duty.

3. Public sentiment has something, even much, under the United States system, to do with the choice of officers. But public sentiment on the prohibition question is not always expressed in the choice of officers. So many things, local, political and personal, enter into the contests which precede the choice of officers that sometimes the question of enforcement of the prohibitory law is lost sight of for the time, and unworthy or incapable men are chosen. Thus it comes to pass that a community in which the sentiment is strongly in favour of the faithful enforcement of the law may, in some years, have officials who fall far short of their duty.

4. In several states a prohibition party vote is polled in every state and federal election. To regard this vote as indicative of the strength of the prohibitory feeling in these states is wrong. Neither the prohibition party, the other political parties, nor the people at large so regard it.

5. Other things being equal, it would be reasonable to expect better general results from a law enforced under the Canadian political system, than from a law administered by officers so directly amenable to varying local sentiment as are the officials charged with law enforcement in different parts of the United States.

6. It must be remembered also that state prohibition is not much more than enlarged local prohibition. Any existing prohibitory law applies, at most, to a limited area, surrounded by hostile states, and is therefore more difficult of efficient enforcement. National prohibition, such as is asked for by Canadian prohibitionists, would not be hampered by these limitations.

### LOCAL PROHIBITION.

Local prohibition, that is, prohibition operating in limited areas of territory, has been tried in many places and under many circumstances. It exists in some places by the will of certain individuals controlling large tracts of land, in other places by legislative action, either directly or brought into force by popular vote in the locality affected. In some states, notably in Connecticut, Massachusetts, Georgia, Alabama, Missouri, Tennessee and Kentucky, large areas are without any legalized liquor selling through the operation of this system. The Dominion of Canada has had, and now has, local prohibition operating to a very large extent.

*Great Britain.*—A few facts are submitted in reference to local prohibition as it exists in different parts of the United Kingdom. The report of the committee on intemperance for the convention of the province of Canterbury, already mentioned, contains a list of 1273 parishes and districts in which no licenses are issued, and of them says:—

"Few, it may be believed, are cognizant of the fact, which has been elicited by the present inquiry, that there are at this time within the province of Canterbury upwards of one thousand parishes in which there is neither public house nor beer shop, and where in consequence of the absence of these inducements to crime and

pauperism, according to the evidence before the committee, the intelligence, mortality and comfort of the people are such as the friends of temperance would have anticipated."

The same report contains a great array of testimonials from clergymen, chief constables and superintendents of police, numbering more than two hundred and fifty in all, bearing out the statement just quoted. In and around the city of Liverpool there are large tracts of land from which the owners have excluded all public houses. By these experiments it is claimed that the following facts have been clearly demonstrated:—

"1. That as a business speculation, builders find it a more profitable investment of their capital to exclude public houses from the neighbourhood of the people's dwellings. It has been found that a public house depreciates the value of the surrounding property more than the extra rent obtained for the house itself; it attracts and creates rowdyism; rowdyism drives away respectable tenants, causes loss of rent, frequent removals, damage to property and expensive cleansing operations after infectious diseases, to which the intemperate are specially liable.

"2. That residences in these prohibitory districts are much in demand, and people are willing to pay a higher rent for dwellings here than elsewhere. There has been no instance of a complaint from the residents of these districts of the absence of a public house."

In the *Edinburgh Review*, a writer makes the following statement: "We have seen a list of eighty-nine estates in England and Scotland where the drink traffic has been altogether suppressed, with the very happiest social results. The late Lord Palmerston suppressed the beer shops in Romsey as the leases fell in. We know an estate which stretches for miles along the shore of Loch Fyne where no whiskey is allowed to be sold. The peasants and fishermen are flourishing. They have all their money in the bank, and they obtain higher wages than their neighbours when they go to sea."

Saltaire is a manufacturing settlement founded by Sir Titus Salt, near Bradford, in Yorkshire, in which the sale of all liquors has been forbidden. Its condition is described in "Homes of the Working Class," in the following terms:—

"One thing there is which in not to be found in Saltaire, and Mr. Salt deserves as much praise for its absence as he does for anything he has provided. Not a public house or beer house is there. And what are the results? Briefly these: There are scarcely every any arrears of rent. Infant mortality is very low as compared with that of Bradford, from which place the majority of the hands have come. Illegitimate births are rare. The tone and self-respect of the working people are much greater than that of factory hands generally. Their wages are not high, but they enable them to secure more of the comforts and decencies of life than they could elsewhere, owing to the facilities placed within their reach and the absence of drinking houses."

Lord Claud Hamilton, a large landed proprietor in Ireland, and a member of the British Parliament, said some time ago in a public meeting:—

"I am here as representing the country to assure you that the facts stated regarding the success of prohibition there are perfectly accurate. There is a district in that county of sixty-one square miles, inhabited by nearly ten thousand people, having three great roads communicating with market towns, in which there are no public houses, entirely owing to the self-action of the inhabitants. The result has been that whereas those high-roads were in former times constant scenes of strife and drunkenness, necessitating the presence of a very considerable number of police to be located in the district, at present there is not a single policeman in that district, the poor rates are half what they were before, and all the police and magistrates testify to the great absence of crime."

Similar statements might be quoted in reference to the famous Irish town of Bessbrook, in reference to the Shaftesbury Park estate and many other places from which the liquor traffic is shut out by the various methods already indicated.

### THE UNITED STATES.

*California.*—The Commission did not make any investigation of the workings of local option in the United States, in any place where local prohibition was in force at the time of the investigation.

Two Commissioners visited Riverside and Passadena, California, in which towns local prohibition had been in operation, but was not in operation at the time of the commissioners' visit. It was strongly urged that at least one town, at present under local prohibition, should be examined, but no such examination was made.

In Passedena there are no bars, but restaurants and hotels are permitted to furnish wines and beers to guests at meals. Riverside, in the election in April of last year, re-adopted prohibition, after having had experience, for two years, of two licensed saloons paying a license fee of $2,300 each per year.

### MASSACHUSETTS.

When in Massachusetts it was urged upon the commission that some of the cities and towns that were under the no-license system should be visited, including one or more which had more than once changed from one system to the other. But no such places were visited.

Each town and city in Massachusetts votes each year "Yes" or "No" on the license question. And every year a number of towns and cities refuse to issue licenses. Some large cities have for several successive years voted no license. Cambridge, Summerville, Brookline and Newton, contiguous to each other and to Boston, and embracing an aggregate population of 175,000, have for years refused to license saloons. Other cities have done the same.

To show the effect of the no-license system, as compared with the license system, your Commissioner presents a carefully prepared compilation of the records of police courts in Massachusetts cities. All the figures have been taken from official sources. They give the population of each city according to the last census, the retail license paid in license cities, the total arrests for drunkenness, and the arrests for assaults.

The tables include the cities and organized towns of the state having a population of 10,000 or over. These cities and towns are arranged in two groups—a group containing those under license during the police year 1892, and a group containing those under local prohibition during the same year. The third table gives a summary of the totals of tables 1 and 2, and for purposes of comparison shows the number of arrests per thousand of the population.

TABLE 1.—Cities under High License during Police Year.

| License cities. | Population 1890. | Annual saloon license fee. | Total arrests. | Arrests for drunkenness. | Arrests disorderly conduct. | Arrests, assaults. |
|---|---|---|---|---|---|---|
| | | $ | | | | |
| Boston | 448,477 | 1,300 | 48,463 | 33,746 | 793 | 3,183 |
| Lowell | 77,696 | 1,500 | 6,153 | 4,639 | 49 | 238 |
| Fall River | 74,398 | 1,300 | 2,971 | 1,220 | 429 | 390 |
| Lynn | 55,727 | 1,000 | 4,157 | 2,975 | 79 | 308 |
| Lawrence | 44,654 | 1,300 | 2,840 | 1,878 | 85 | 215 |
| Springfield | 44,179 | 1,500 | 2,511 | 1,634 | 243 | 69 |
| Holyoke | 35,637 | 1,300 | 1,493 | 890 | 49 | 234 |
| Salem | 30,801 | 1,000 | 1,558 | 1,120 | 94 | 87 |
| Taunton | 25,448 | 1,600 | 1,585 | 1,311 | 31 | 53 |
| Gloucester | 24,651 | 1,500 | 1,733 | 1,246 | 20 | 135 |
| Waltham | 18,707 | 1,400 | 1,308 | 858 | 114 | 68 |
| Pittsfield | 17,281 | 2,000 | 1,284 | 829 | 138 | 62 |
| North Adams | 16,074 | 1,600 | 929 | 572 | 106 | 31 |
| Northampton | 14,990 | 1,300 | 660 | 574 | 25 | 29 |
| Chicopee | 14,050 | 1,400 | 605 | 301 | 98 | 75 |
| Woburn | 13,499 | 1,500 | 1,005 | 680 | 41 | 103 |
| Totals | 956,269 | ..... | 79,255 | 54,453 | 2,394 | 5,280 |

TABLE II.—Cities under Prohibitory Law during Police Year.

| Prohibition cities. | Population, 1890. | Total arrests. | Arrests for drunkenness. | Arrests for disorderly conduct. | Arrests for assault. |
|---|---|---|---|---|---|
| Cambridge | 70,028 | 3,047 | 1,704 | 262 | 253 |
| Summerville | 40,152 | 1,824 | 1,344 | 50 | 122 |
| Chelsea | 27,909 | 1,688 | 943 | 57 | 68 |
| Brockton | 27,294 | 1,265 | 861 | 89 | 59 |
| Newton | 24,379 | 1,118 | 719 | 88 | 50 |
| Malden | 23,031 | 579 | 276 | 44 | 61 |
| Quincey | 16,723 | 393 | 230 | 41 | 41 |
| Marlborough | 13,805 | 445 | 239 | 42 | 23 |
| Brookline | 12,103 | 790 | 382 | 37 | 92 |
| Everett | 11,068 | 489 | 297 | 6 | 27 |
| Deverley | 10,821 | 165 | 125 | 18 | 10 |
| Hyde Park | 20,193 | 164 | 50 | 49 | 15 |
| Totals | 287,506 | 11,967 | 7,168 | 778 | 761 |

TABLE III.—The groups of cities compared by totals and by the number of arrests of each class per 1,00 of population.

| — | Population, 1890. | Total arrests. | Arrests for drunkenness. | Arrests for disorderly conduct. | Arrests for assault. | Arrests per 1,000 of population. | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | Total. | Drunkenness. | Assault. |
| Cities wholly under license | 956,269 | 79,255 | 54,453 | 2,394 | 5,280 | 82·9 | 56·9 | 55 |
| Cities wholly under prohibition | 287,506 | 11,967 | 7,168 | 778 | 762 | 41·6 | 24·9 | 26 |

It will be seen that those cities under high license averaged 82·9 arrests per thousand of population, while the cities under prohibition average but 41·6, scarcely more than one-half as many. Arrests for drunkenness in the high license cities averaged 56·9 per thousand of the population, but the cities under prohibition had only 24·9, or considerably less than one-half as many,—a fact which does not appear in the tables is that those cities which have been the longest under prohibition have the best record.

The following is interesting, showing the effect in a single city, of license, no-license and license, in three successive years. The figures are from the police records of the city of Worcester, Mass.:—

TOTAL ARRESTS.

1889–90—License ..... 3,889
1890–91—No-license ..... 2,589
1891–92—License ..... 4,807

ARRESTS FOR DRUNKENNESS.

1889–90—License ..... 2,926
1860–91—No license ..... 1,590
1891–92—License ..... 3,574

The following return was furnished by the chief of police at New Bedford, Mass. It shows the arrests during the last four months of no-license—1st January to 30th April, 1893—and the arrests during the first four months under license—1st May to 31st August, 1893:—

| | No-license period. 1st Jan. to 1st May. | License period. 1st May to 1st Sept. |
|---|---|---|
| Total arrests | 412 | 826 |
| Assault and battery | 34 | 78 |
| Disturbing the peace | 38 | 70 |
| Larceny | 24 | 34 |
| Drunkenness | 204 | 503 |

"I have had quite an experience in these matters, and find that it is a fact that at least from 25 to 75 per cent more cases are before the court under a license law than under no-license.

"GEORGE DOUGLAS,
"*Chief of Police.*"

The only witness the Commission heard who gave any facts about the workings of the no-license system in a Massachusets city, was Rev. O. S. C. Wallace, who gave evidence in Toronto. He had lived several years in Lawrence, Mass., and was able to furnish the commission with statistics prepared by himself. His statement was as follows:—

"During that period (six years) at one time there prevailed low-license unlimited, then no-license, then limited high license * * * I made more study of the question at that time than before or since. When I was first a resident of Lawrence there were more than three hundred places licensed to sell liquor. The population at the time of which I am now speaking was between 38,000 and 39,000. The actual number of licensed places, as given to me on one occasion by the mayor, was 326 or 328. That included drug stores But since 26 or 28 drug stores would be enough to serve legitimately a city of that population, I may say that about three hundred places were licensed to sell liquor as a beverage * * * It may be of interest to the Commission to know the character of that city. It is a manufacturing city. Its prosperity depends on the prosperity of the mills, chiefly cotton and woollen mills. The population is very largely a mill population, and is quite largely made up of foreigners. There were a great many Irish, a great many French-Canadians, many Germans, and many from the southern parts of Europe. The difficulties of enforcing any law, especially any liquor law, are very great there. With so many saloons and taverns, drunkenness was so prevalent as to awaken all the better elements of the citizens.

"At the end of 1887 the city voted no-license, the law to go into effect on the 1st of May, 1888. For one year we had no license. Then the law was changed in the state, so that low license and unlimited license no longer prevailed. From that time it was limited high license. Except in Boston, every city of Massachusetts might have one licensed place for every 1,000 of population. That gave Lawrence 38 licensed places." * * *

"Great hopes were entertained by many temperance people—by many who were total abstainers, and who were opposed to the liquor traffic entirely—from limited high-license in the city of Lawrence; and we came to the vote, but next time the no-license people were defeated * * * We had limited high license for the succeeding year. It came into force on 1st May, 1889. The no-license period was from May 1, 1888 to May 1, 1889. I remained in the city during the years 1889 and 1890. * * * If the Commission will permit me, I will illustrate what I am about to say with figures whice I gathered myself in connection with the last contest. I have compared half-years, not being able to compare whole years. The convictions for drunkenness in Lawrence from 1st May, 1888 to 1st November, 1888, the no-license year, numbered 276. In the corresponding months of the next year, under limited high license, they numbered 747. In the following year, the second year of limited high license, the number rose to 985 for

the corresponding months of the year. Then I made investigation as to the number of intoxicated persons taken home by the police in those three periods. In the first period the number was 41, in the second 85, and in the third 251. I also made investigations as to the number of women arrested for drunkenness. In the first period there were 57, in the second 118, and in the third 171. Before commenting on these figures, it may be of interest to the commissioners to know that I took a statement of those figures to most of the clergy of the city and to the representatives of the great mills, and obtained the signatures of nearly all the Protestant clergymen and of the leader of the Augustinian Order and of nearly all the agents or superintendents of the mills to the following statement:—'In view of the terrible prevalence of drunkenness under high license, we whose names appear below urge upon every citizen of Lawrence the duty of voting no, in the approaching municipal election.'

"The election contest began in November, and, since the law went into effect on the first day of May, I could not make the comparison for more than six months. These figures were gathered in 1890, in the first part of November, for use in the campaign, and the licensed year then on began on the first of May, 1890, and therefore I took the first of May as the starting point and the first of November as the terminating point of each year. There was no other reason.

"It was hoped, as I have said, by some of the strongest advocates of temperance and total abstinence that limited high license would do better than no license. That hope was based partly on the assumption that those who had paid large sums for licenses would aid in enforcing the law, and that therefore there would be no more low dives, no more kitchen bar-rooms, no more hip-pocket sales and the like. But those hopes were not justified by the event. All the evidence was to the contrary."

A great deal of testimony could be given from officials, business men and others as to the material and moral benefits of the no-license system, notwithstanding the uncertainty always attending it and the proximity of license cities.

Cambridge is one of the largest cities which has been continuously under the no license system for a period of years. The statements of some of its business men are subjoined.

Mr. John P. Squire, president of the Squire & Co. Slaughtering and Curing Co., East Cambridge, where 800 men are employed, says: "My observation of the effect of no-license in Cambridge leads me to affirm without any qualification that the character and habits of a good many of the men employed by us have shown a decided improvement since it went into effect. Before no license the saloons and tippling shops were numerous in the vicinity of the packing house where the men worked, and many of them lay between the packing house and the homes of the men, so that they had to be passed on their way back and forth, and were a constant temptation to the men. Now that they have been driven out of Cambridge and resort has to be had either to the kitchen bar-rooms or to the saloons in Boston, a great many of the men refrain entirely from patronizing either, and the result is that drinking among the men has very largely decreased. As a natural result, the men do more and better work, with less waste arising from carelessness or incompetency, and the cost of production has correspondingly decreased. I think I may say that the change in these respects is very noticeable since no-license was established in Cambridge. In connection with the packing house we run a grocery and provision store, at which naturally a good many of the men trade; and, if no other way existed to compare the workings of license and no license, this would be enough to warrant anyone in preferring the latter to the former, for it is perfectly evident, from an examination of the accounts there kept, that the families of the men have a great deal more spent in provisions and groceries than they did when the saloons were running in Cambridge. I am informed that the same is true with the clothing and shoe stores since no license."

Curtis, Davis & Co., soap manufacturers, Cambridgeport, say:—"Previously to the adoption of the no-license policy in Cambridge, it was difficult for us to secure the service of fifty men without there being ten or more drinking men among them. We

were frequently discharging men for non-appearance after holidays, undoubtedly due to drunkenness. Often several applicants for places would be tried before a reliable man could be found. We have had no occasion to discharge a man for drinking for three years past. Drinking men seem to have removed from Cambridge in many cases. Drunken men are seen upon the streets and cars, but they obtain the liquor in most cases in Boston saloons."

Moore & Ricker, hardware dealers, say:—"The men are more temperate, consequently more industrious, under the no-license law. The quality of the work performed is better and the quantity increased, which causes a decrease in the cost of production. The labouring class is more prompt in paying bills. Much more money is spent for the necessaries of life than under license. Buildings formerly occupied by saloons are in use for some valuable business."

Many other business men, contractors and others give like testimony, not only concerning Cambridge, but concerning the other towns and cities which have tried the no-license system for any considerable period.

*Georgia.*—In answer to an inquiry addressed by the Commission to the Governor of Georgia, Rev. Dr. Hawthorne, of Atlanta, at the Governor's request, wrote:—

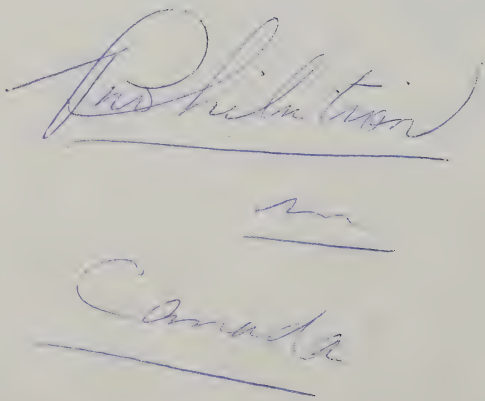
"Under the local option law in Georgia, we have complete prohibition of the liquor traffic in about one hundred counties (out of one hundred and thirty-seven), and partial prohibition in the other counties. There are occasional violations of the law, but they are not more frequent than the violations of any other criminal law. The people are so well satisfied with it that, in almost every county where it has been in operation several years, no effort is made to repeal it. We have prohibition in every county where there is a large majority of white voters. * * * No well informed person doubts that the local option law has improved the morals of the people, and greatly contributed to their material welfare."

The *Savannah News*, one of the most influential daily papers in the state, said editorially:—"More than three-fourths of the counties of the state have voted out whiskey, and there is not one of them that is not richer and more prosperous for its action. In every one of them the people are happier and more industrious, and there is less crime and pauperism than there ever was before. The prohibition movement in the state has grown rapidly, because wherever it has been adopted its benefits have at once become apparent."

Hon. J. D. Stuart, member of Congress from Georgia, in an address in Congress, said:—"I have held court for five years in the State of Georgia, and of the eight counties in my district, six were prohibition counties and the others non-prohibition or whiskey counties. I want to say as a witness on this subject, that in counties where the sale of intoxicating liquors was absolutely prohibited my duties in disposing of the criminal docket would occupy sometimes one or two days, sometimes half a day; while in the counties where there was free whisky I have scarcely ever cleared the criminal docket in less than three to five days."

*Mississippi.*—In Mississippi a like local option law is in force, and much the larger part of the state is without licensed drink shops. Bishop Galloway makes this statement about the extent and effect of prohibition in the state:—

"It will be gratifying to friends of the legal suppression of the liquor traffic to know that the cause makes constant and intelligent progress in Mississippi. Our step has been steady, if not as quick as all have desired and some have lamented. Every year has marked an advance in sentiment, and every amendment to our liquor law has tightened the statute and made it more effectively prohibitory. So drastic is our present measure and so potential has been its influence as already to make this almost an absolute prohibition state. Of the 75 counties in Mississippi, intoxicating liquors are sold only in 10, and the indications are that in the next few months the number will be reduced to 5, and in the 10 counties still in the small 'wet' column liquor is sold in possibly only ten places, and those are towns sufficiently large to have police protection. The large county of Hinds, with the state capital and twelve towns, has only three saloons, and they are in the city of Jackson. One



of these will close in three weeks, and the others are doomed. The villages and country places are now entirely rid of these dreadful storm-centres of crime and vice."

What is true of the states from whose records and citizens the foregoing facts have been obtained, is presumably, true of all the other states which have had experience of local prohibition.

## PROHIBITION IN CANADA.

Canada has had several important experiments in local and partial prohibition. The most notable of these have been the different forms of local option which have been tried, and the prohibitory law of the North-west Territories.

### LOCAL OPTION.

Different methods of giving effect to a popular desire for prohibitory law prevail in different parts of the Dominion.

*Nova Scotia.*—Nova Scotia has legislation providing that a license shall only issue upon a petition from two-thirds of the electorate of the locality in which the license is to take effect.

*Quebec.*—In Quebec the parish councils have power to prohibit the sale of intoxicating liquor under the following clause of the municipal code:—

"Whenever a municipal by-law shall have been passed, as by law required, prohibiting the sale of intoxicating liquors within the limits of its jurisdiction, and a copy of such by-law has been transmitted to the collector of provincial revenue entitled to same, the collector of provincial revenue is forbidden to issue any of the licenses hereinbefore mentioned for the sale of such liquors, excepting steamboat bar licenses and licenses of railway buffets, such licenses not being effected by the present restrictions."

*New Brunswick.*—The New Brunswick license law provides that "no license shall be granted if the majority of the rate-payers in any city or incorporated town or parish petition against it."

And also, that "the council of any municipality may, by by-law to be passed before the first day of February in any year, ordain that no tavern license shall be issued therein for the then issuing year, or for any further license year until such by-law is altered or repealed."

*Ontario.*—The municipal councils and electorate of Ontario municipalities have power jointly to prohibit retail liquor selling under the following clause of the statutes:—

"The council of every township, city, town are incorporated village may pass by-laws for prohibiting the sale by retail of spirituous, fermented or other manufactured liquors, in any tavern, inn or any other house or place of public entertainment, and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment; provided that the by-law, before the final passing thereof, has been duly approved of by the electors of the municipality in the manner provided by the sections in that behalf of the Municipal Act. No by-law passed under the provisions of this section shall be repealed by the council passing the same, until after the expiration of three years from the day of its coming into force, nor until a by-law for that purpose shall have been submitted to the electors and approved by them in the same manner as the original by-law, and if any such repealing by-law (upon being submitted to the electors) is not so approved, no other repealing by-law shall be submitted for the like approval within the full term of three years thereafter.

"The sale or keeping for sale of liquors without license in any city, town, incorporated village or township in which there is in force any by-law for prohibiting the sale of liquors passed in pursuance of section 18 of the Act passed in the 53rd year of Her Majesty's reign, entitled "An Act to improve the Liquor License

Laws," shall, nevertheless, be a contravention of sections 49 and 50 of this Act and all the provisions respecting the sale or keeping for sale of liquor in contravention of said sections, and penalties and procedure in reference thereto, shall be of full force and effect in such municipalities, notwithstanding such prohibitory by-law."

*Manitoba.*—In Manitoba the electors have power to prohibit local liquor selling, under the following clause of the License Act:—

"No license shall be granted by the commissioners for the sale of liquors within the limits of a city, town, village or other municipality when it shall have been made to appear to the commissioners that a by-law has been passed by said city, town, village or municipality forbidding the receiving by said city, town, village or municipality of any money for a license for such purpose; said by-law shall be voted on by the people as hereinafter provided, and shall be only submitted on the council receiving a petition from twenty-five per cent in number of the resident electors whose names appear on the last revised municipal voters' list of said city, town, village or municipality asking them to do so."

In Manitoba a proportion of electors has also the right locally to vote any license by petition.

### DUNKIN ACT.

Besides the provincial measures above mentioned, there formerly was in operation in Ontario and Quebec a measure known as the Dunkin Act, under which counties or minor municipalities could prohibit the liquor traffic. Prohibition enacted under this authority is still in operation in some parts of Quebec and Ontario.

## THE CANADA TEMPERANCE ACT.

In addition to the above mentioned local prohibition measures, there is the Canada Temperance Act of 1878. which has been in force in different sections of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island, and which at the present time is operative over a greater part of the territory of the last named three provinces.

A great deal of oral testimony was taken by your Commissioners in reference to the operation of these different laws, and is submitted by them for your consideration. The general result of the inquiry made and information secured may be summed up as follows:—

### ONTARIO.

Different parts of the province of Ontario tried the Dunkin Act, and repealed it. It was a measure which admitted of repeal very soon after enactment, and there seem to have been very few cases in which its operation covered a long enough period to permit a fair test to be made of its results. It provided, moreover, for unrestricted sale of intoxicating liquor in five-gallon quanties. This provision tended to make the law unsatisfactory, unpopular and difficult of enforcement.

The Canada Temperance Act was adopted in twenty-five cities and counties of Ontario and repealed in them all, repeal in most cases taking place at the earliest possible opportunity.

A good deal of evidence was taken as to the operation of this Act and the causes which led to its repeal. This evidence, though somewhat conflicting, is important and instructive. It goes to show that defects in the law, failure of officials to properly discharge their duties, extensive litigation which generally accompanies the early operation of such laws, the localness of the prohibition given by this Act, the abuse of the privilege given by the Act of selling for certain purposes, terrorism in certain localities because of violent acts of persons against whom the law was enforced, neglect of the government to take steps for the enforcement of the law,

and political complications,—all were hindrances to the effective working of the Canada Temperance Act. They prevented its having a fair trial.

The advocates of prohibition who were instrumental in bringing the law into operation seem to have had an exaggerated idea of what it would accomplish. Under these circumstances the Act did not give the general satisfaction that might have followed its operation under different circumstances, or if it had been given a longer trial; and it was repealed in every place in Ontario in which it had been carried; although, as will be seen from the statement elsewhere submitted, in many places large votes were polled in favour of retaining it.

It must be admitted that there is much force in the statement made by certain witnesses, that the majorities recorded for the Canada Temperance Act at its adoption were expressions of the people's desire for prohibition, and that the majorities recorded in favour of its repeal were expressions of opinion that the Canada Temperance Act, as operated, did not provide the prohibition which the people desired. That no change has taken place in the province in the favour of the people for the principle which the Canada Temperance Act attempted to work out, is manifest from the great majority recorded in favour of prohibition on 1st January, 1894.

It is not necessary to recapitulate here the extensive evidence submitted in this connection, which speaks for itself. It is, however, a matter to be regretted that neither in Ontario nor elsewhere did the commission personally visit those rural places, in which they were informed the law had been effective, and where they could have the direct testimony of those who had lived under its operations.

The undersigned also regrets that the Commission declined to accept evidence offered at Toronto to show that terrorism did prevail to so great an extent in some localities as to interfere with the enforcement of the law and to lead to its repeal; the contention of the friends of the law being that if this terrorism had been suppressed with a strong hand better results would have been obtained.

There was also presented at Toronto an important statement embodying a careful analysis of the official provincial figures for commitments for drunkenness during the years of the Canada Temperance Act's operation and the years preceding and following that operation, but a majority of the Commission decided not to put it in their report. Because of the importance of this statement it is herewith submitted:

"There are various data from which conclusions may be drawn; there are the local police records of arrests for drunkenness in different places; there are the court returns of convictions for drunkenness which are gathered up from the different counties in the criminal statistics published at Ottawa; there are the returns made to the Ontario government by the jailors in the different counties of commitments for drunkenness. All of these sources of information should be carefully examined, although there is little doubt that all, dealing with the same evil, must show similar results. In the present paper an inquiry is made based upon the last named report, which is, as far as it goes, the most available and complete of all the three.

"The report, for the year 1892, of the hon. the Provincial Treasurer of Ontario, on the working of the tavern and shop license Acts, contains on page 90 a statement showing the number of persons committed to jail for drunkenness during the years from 1876 to 1891 inclusive. These figures cover all the time during which the Scott Act was in operation in any part of the province of Ontario.

"The license year for the province of Ontario ends on the 30th of April, and the Scott Act, when it came into force in a county of this province, came into force on the first day of May. The judicial year, for which the figures are given in the table referred to, ends with the 30th day of September. There is therefore a little difficulty in making comparisons between Scott Act years and license years, inasmuch as the figures for the year in which the Scott Act began to operate, and the year in which it ceased to operate, are figures covering a period during which the law was part of the time a license law and part of the time prohibition.

"Another difficulty met with in the making of comparisons is the fact that the Scott Act affects a municipal county or city, while the figures of commitments for

drunkenness are for judicial counties, which are not in all cases coterminous with municipal counties.

"Where a municipal county includes a city, the city and county are united for judicial purposes, and the figures for commitments cover both. There were five counties, namely: Brant, Carleton, Frontenac, Lincoln and Middlesex, in which the Scott Act was carried; but each of these counties included a city in which the license law remained in operation. The figures for these judicial counties are, therefore, for territory partly under license and partly under Scott Act.

"The judicial counties of Simcoe, Victoria and Haliburton and Renfrew, and the judicial district of Muskoka and Parry Sound, include portions of territory that did not come under the Scott Act, although parts of the three counties and of the district named were under that Act. The figures for these three counties and that district are also, in each case, figures for territory that was partly under license and partly under Scott Act.

"The Scott Act was carried, altogether, in twenty-five municipal counties and two cities. It affected, however, twenty-six of the judicial districts set out in the above mentioned table. The judicial districts of Brant, Carleton, Frontenac, Lincoln, Middlesex, Muskoka and Parry Sound, Renfrew, Simcoe and Victoria and Haliburton, were, as has been said, partly under license and partly under Scott Act. The judicial counties of Bruce, Dufferin, Elgin, Halton, Huron, Kent, Lambton, Lanark, Leeds and Grenville, Lennox and Addington, Norfolk, Northumberland and Durham, Ontario, Oxford, Peterboro', Stormont, Dundas and Glengarry, and Wellington, came entirely under Scott Act in every part of their respective jurisdictions. The remaining sixteen judicial counties remained throughout under license.

"The county of Halton changed from license to Scott Act in the judicial year 1882 and changed back to license in the year 1888. The Scott Act did not come into force in any other county for three years after the commencement of its operation in Halton. Halton, therefore, has to be considered to a certain extent by itself.

"If we omit the years of change, 1882 and 1888, we find from the official table referred to the following fact: For the six years from 1876 to 1881, inclusive, the county of Halton had 54 commitments for drunkenness, an average of 9 per year. For the five following years of Scott Act, from 1883 to 1887, inclusive, the county of Halton had 40 commitments for drunkenness, an average of 8 per year. For the three years 1889 to 1891 inclusive, subsequent to the repeal of the Scott Act, the county of Halton had 31 commitments for drunkenness, an average of 10·3 per year.

"Of the other twenty-five judicial counties, Bruce, Dufferin, Huron, Norfolk, Oxford, Renfew, Stormont, etc., changed from license to Scott Act in 1885. All of these, excepting Oxford, changed back to license in 1888. Oxford changed in 1889. Because of the overlapping of judicial and municipal counties, already mentioned, it happened that the judicial counties of Simcoe, Victoria, and the judicial districts of Muskoka and Parry Sound, came partly under the Scott Act in 1885, still more under that Act in 1886, changed in part back to license in 1888, and came entirely under license in 1889. The remaining fifteen judicial counties, Brant, Carleton, Elgin, Frontenac, Kent, Lambton, Lanark, Leeds, etc., Lennox, etc., Lincoln, Northumberland, etc., Middlesex, Ontario, Peterboro', and Wellington, changed from license to Scott Act in 1886, and back to license in 1889.

"It will thus be seen that there was only one year, 1887, in which all the judicial districts affected were under the Scott Act to a maximum extent. It is also clear that the transition years 1885-6 and 1888-9 would not give data of value in making a comparison between the results of Scott Act and license respectively, and to get at any just conclusion as to the effect of the Scott Act upon the number of commitments, we must compare the year 1887, when the Scott Act was in force to the fullest extent, with the years previous to its coming into operation and the years subsequent to its repeal. We take the two years just before and the two years just after the change as being the nearest and fairest for comparison.

The facts in regard to the county of Halton have already been set out. Taking all the other judicial counties and districts of the province of Ontario for the years named and arranging them in three groups, (1) those coming entirely under Scott

Act; (2) those coming partially under Scott Act; (3) those remaining entirely under license, we get the following tables showing the commitments for drunkenness in the respective groups.

TABLE I.—Counties changing entirely from License to Scott Act.

| County. | License. | | Scott Act. | License. | |
|---|---|---|---|---|---|
| | 1883. | 1894. | 1887. | 1890. | 1891. |
| Bruce | 10 | 3 | 6 | 6 | 7 |
| Dufferin | ..... | 1 | 3 | 2 | 1 |
| Elgin | 92 | 82 | 25 | 20 | 32 |
| Huron | 5 | 4 | ..... | 5 | 5 |
| Kent | 23 | 26 | 7 | 71 | 47 |
| Lambton | 75 | 105 | 38 | 108 | 95 |
| Lanark | 9 | 7 | 9 | 5 | 5 |
| Leeds and Grenville | 19 | 135 | 24 | 58 | 44 |
| Lennox and Addington | 18 | 20 | 8 | 22 | 23 |
| Norfolk | 18 | 17 | 5 | 3 | 10 |
| Northumberland and Durham | 21 | 26 | 6 | 38 | 22 |
| Ontario | 10 | 1 | ..... | 2 | ..... |
| Oxford | 28 | 51 | *50 | 51 | 34 |
| Peterboro' | 71 | 30 | 11 | 45 | 24 |
| Stormont, Dundas and Glengarry | 8 | 9 | 4 | 25 | 14 |
| Wellington | 93 | 49 | 22 | 10 | 4 |
| | 500 | 566 | 218 | 471 | 367 |

*These returns do not give the figures for 1887, but the jailer states that there were fifty commitments.

TABLE II.—Judicial Counties changed in part from License to Scott Act.

| County. | License. | | Scott Act. | License. | |
|---|---|---|---|---|---|
| | 1883. | 1884. | 1887. | 1890. | 1891. |
| Brant | 75 | 58 | 112 | 182 | 112 |
| Carleton | 261 | 314 | 286 | 336 | 204 |
| Frontenac | 46 | 75 | 108 | 129 | 125 |
| Lincoln | 65 | 39 | 21 | 24 | 12 |
| Middlesex | 269 | 445 | 404 | 332 | 213 |
| Muskoka and Parry Sound | 8 | 16 | 8 | 28 | 19 |
| Renfrew | 17 | 27 | 2 | 1 | ..... |
| Simcoe | 87 | 99 | 16 | 34 | 34 |
| Victoria and Haliburton | 7 | 20 | 2 | 7 | 1 |
| | 835 | 1,093 | 959 | 1,073 | 720 |

TABLE III.—Judicial Counties remaining under License without any change.

| County. | 1883. | 1884. | 1887. | 1890. | 1891. |
|---|---|---|---|---|---|
| Algoma | 21 | 15 | 85 | 69 | 77 |
| Essex | 121 | 103 | 45 | 35 | 57 |
| Grey | 19 | 28 | 21 | 17 | 13 |
| Haldimand | 7 | 7 | 17 | 15 | 22 |
| Hastings | 57 | 50 | 51 | 49 | 34 |
| Nipissing | 10 | 17 | 13 | 97 | 96 |
| Peel | 4 | 10 | 8 | 30 | 17 |
| Perth | 37 | 14 | 12 | 14 | 4 |
| Prescott and Russell | 2 | ..... | ..... | ..... | 5 |
| Prince Edward | 70 | 46 | 20 | 33 | 19 |
| Thunder Bay | 296 | 705 | 148 | 125 | 120 |
| Waterloo | 14 | 11 | 8 | 17 | 13 |
| Welland | 34 | 23 | 32 | 16 | 7 |
| Wentworth | 376 | 295 | 373 | 418 | 251 |
| York | 1,485 | 1,661 | 2,166 | 2,085 | 1,783 |
| Total | 2,553 | 2,985 | 2,999 | 3,020 | 2,518 |

"Table I. is, of course, that which makes clear the result of the Scott Act on the commitments for drunkenness. It is instructive. A careful examination of it will show that with one exception every county in which commitments for drunkenness were common was greatly benefited. In the exceptional county, Oxford, the enforcement of the law in the town of Woodstock was very lax. Every other county that had over ten commitments for drunkenness in either 1883 or 1884 shows a startling reduction of such commitments under the Scott Act. It would be unfair to generalize from any isolated case, but the conclusion from the whole of the counties is irresistible.

"The total figures of all the counties named for the different years should be carefully noted. Then it must be borne in mind that the Scott Act was new. Its maximum benefit could not be attained until it was long enough in operation to give those charged with its administration the knowledge and success in its enforcement that could only come from study and experience.

"Table I. includes all the counties that came entirely under the Scott Act. Excepting Oxford, they had all exactly two full years of Scott Act experience, and 1887 was one of the Scott Act years in every case. If they are separated into two sets, according to the different times of the coming into force of the law, we can compare two Scott Act years for each set with the preceding and subsequent license years. We then get the

TABLE IV.—Counties entirely under Scott Act in 1886-87.

| County. | License. | | Scott Act. | | License. | |
|---|---|---|---|---|---|---|
| | 1883. | 1884. | 1886. | 1887. | 1889. | 1890. |
| Bruce | 10 | 3 | 2 | 6 | 8 | 6 |
| Dufferin | ..... | 1 | 3 | 3 | 4 | 2 |
| Huron | 5 | 4 | 4 | ..... | 2 | 5 |
| Norfolk | 18 | 17 | 6 | 5 | 17 | 3 |
| Stormont, etc | 8 | 9 | 1 | 4 | 29 | 25 |
| | 41 | 34 | 16 | 18 | 60 | 41 |

TABLE V.—Counties entirely under Scott Act in 1887-88.

| County. | License. | | Scott Act. | | License. | |
|---|---|---|---|---|---|---|
| | 1884. | 1885. | 1887. | 1888. | 1890. | 1891. |
| Elgin | 82 | 57 | 25 | 29 | 20 | 32 |
| Kent | 26 | 18 | 7 | 9 | 71 | 47 |
| Lambton | 105 | 130 | 38 | 64 | 108 | 95 |
| Lanark | 7 | 6 | 9 | 4 | 5 | 5 |
| Leeds, etc | 135 | 80 | 24 | 31 | 58 | 44 |
| Lennox | 20 | 6 | 8 | 7 | 22 | 23 |
| Northumberland | 26 | 26 | 6 | 12 | 38 | 22 |
| Ontario | 1 | 4 | ..... | ..... | 2 | ..... |
| Peterboro' | 30 | 27 | 11 | 26 | 45 | 24 |
| Wellington | 49 | 32 | 22 | 21 | 10 | 4 |
| | 481 | 386 | 150 | 203 | 379 | 296 |

"These tables are convincing. It would be impossible to make fair arrangement of the figures they contain without having evidence the same fact, that the Scott Act, despite its defects and the difficulties that surrounded its operation, was effective in lessening criminal drunkenness."

Rev. Mr. Kettlewell, in evidence given at Toronto, stated that the Scott Act period, compared with an equal period before and after, reduced drunkenness. He was asked to supply statistics in support of his statement, and has sent the following:—

"Complying with the request made by Commission, I have to-day, December 21st, 1893, forwarded to the secretary a table comparing convictions for drunkenness in the 17 counties of Ontario brought entirely under the Scott Act. The comparison is made between three groups of years, viz.: Under license, 1883, '84, '85; under Scott Act, 1886, '87, '88; and under license, 1889, '90, '91, the broken years being dropped out of sight.

"The following is the average of convictions for each county during each term of years:—

| | |
|---|---|
| Under license—1883, '84, '85 | 34·57 |
| " Scott Act—1886, '87, '88 | 15·63 |
| " license—1889, '90, '91 | 23·22 |
| " " (six years) | 29·03 |

"I think that it is impossible to break the force of the foregoing comparison, and I claim that the improvement in the second license term is due to the educative influence of the much decried Scott Act."

Several Ontario brewers and distillers, who gave evidence, stated that the consumption of liquors was not lessened in Canada Temperance Act counties. They all admitted, however, that they were anxious for the repeal of the law, and some, if not all, of them were active in various ways in the repeal movement.

It is also in evidence that the Carling Brewing Co. made application to the city council of London, Ont., where their brewery is situated, for a large reduction in their taxes, supporting their application with a sworn statement that the Canada Temperance Act had been very injurious to their business.

The Ontario local option legislation, already quoted, is recent and has not yet had an opportunity to show to any great extent what it is capable of accomplishing. The only witness who professed to speak definitely of experience of its work was Dr. Gaviler of Grand Valley, which evidence went to show that marked advantages have, even in the early days of its operation, resulted from local option.

## QUEBEC.

The Canada Temperance Act was carried in the counties of Chicoutimi, Brome, Stanstead, Arthabaska and Drummond, in the province of Quebec. In one these, Brome, it is still in force. In the others it has been repealed. The Dunkin Act is still in force in the County of Richmond.

The local option power vested in parish councils has been exercised, outside the counties named, to a large extent, so that there are nearly three hundred parishes in which licenses are not issued. This fact is interesting, showing the great extent to which the principle of prohibition is being locally worked out in Quebec.

The evidence relating to the effectiveness of local prohibition in Quebec is, like the evidence in other places, conflicting. It is impossible, however, in candidly weighing this evidence, to fail to recognize the fact that these laws are generally endorsed as effective by that section of the community desirous of having prohibitory laws made effective, and that adverse criticism of the law and allegations of its uselessness are generally made by those who are not in sympathy with it, and who are opposed to the attainment of the result at which the law aims, namely, the prohibition of the liquor traffic. The fact of the maintaining of prohibition legislation for a long time in the different localities mentioned must in itself be looked upon as evidence that this legislation and its results command the approval of a large majority of those electors and municipal councils who have it in their power to repeal these laws where they think such repeal desirable.

## MANITOBA.

Large majorities in favour of the Canada Temperance Act were polled in the districts of Lisgar and Marquette, Manitoba. It was held, however, that these districts not being counties within the meaning of the Act, the voting was of no effect, and the Canada Temperance Act is not, and has not been in operation in any part of Manitoba. The provincial local option law has, however, found much favour, and through its operation, as well as through the operation of the provisions of the License Act regarding petitioning for and against the licenses, about three-fourths of the territory of the province is without any legalized liquor traffic. Evidence in regard to the results attained by this form of prohibition was given at Winnipeg by Rev. John Stuart, Mr. J. K. McLennan, and other gentlemen.

The feeling of the province as to how the liquor traffic ought to be dealt with was quite emphatically expressed in the vote on prohibition taken in the provincial election in July, 1892, when, in a total of 26,752 votes polled, 19,637 were in favour of prohibition.

## NEW BRUNSWICK.

Prohibition sentiment has for many years been strong in New Brunswick. It manifested itself in 1885 in the enactment by the legislature of a law of prohibition. The history of that legislative effort will be found in the testimony given by Sir Leonard Tilley and Judge Steadman, both of whom were actively associated with the movement. (Vol. 1.) That evidence makes it clear that the attempt to carry out this law met with violent opposition from the liquor traffic, that the law had not a term of operation sufficient to give it a fair trial, and that the change of government which led to its repeal did not entirely hinge upon the question of sustaining or repealing the law. Sir Leonard Tilley's evidence in regard to the attitude of public opinion in New Brunswick at the present time and his views generally in reference to the views under consideration are especially worthy of note.

In a statement made by C. A. Everett, of St. John, N. B., and addressed to the Commission, but which does not appear in any part of the report, he sets forth the following facts concerning the New Brunswick prohibitory law:—

"Your inquiries extended back to the time of the adoption of the prohibitory law by the Legislature of New Brunswick.

"In addition to the evidence received by you, I may say that the law was passed April 12, 1855, and by its provisions came into force on 1st January, 1856.

"Being a member of the St. John city council in 1855, I tried to secure some action on the part of the city to aid in the enforcement of the law when it came into operation. I did not succeed.

"The law provided for its execution by the existing peace officers of the province, and no provision was made for special services.

"On the 1st Jannary, 1856, the liquor establishments in the city of St. John were nearly, if not all, closed. Considerable excitement was manifest among all classes of the citizens.

"I am not quite sure, but think that on the 2nd January members of the committee acting for the temperance people discovered one or more sales of liquor and took steps against the offenders.

"The first case came before the acting stipendiary magistrate of the city. A large gathering of people representing both sides surrounded the premises. The excitement was very great. I think that the magistrates became alarmed and postponed the case. The temperance committee lost confidence in the magistrate, and commenced proceedings before city and county justices of the peace. Judgments were rendered in some cases and appeals taken. At this point many supporters of the law became inactive, fearing the possibility of being compelled to pay large costs in case of failure in sustaining the judgments of the justices.

"With the hopes of success in such appeals,—and probably with a large expense fund to sustain them,—the liquor dealers boldly re-commenced their business. Efforts made by private citizens to enforce the law were met, not only by legal, but by personal opposition, and in some cases, by personal violence.

"In the midst of the fight, the governor, Mr. Manners Sutton, dismissed his executive council, dissolved the assembly, and ordered a general election.

"Many elements entered into this election. "Support the governor" was the watchword of the repealers. An assembly adverse to the law was elected, and by Act of July 26, 1856, repealed the prohibitory law.

"In my judgment the law was a fairly good one, and would have done good service had it received reasonable support."

### THE CANADA TEMPERANCE ACT IN NEW BRUNSWICK.

The Canada Temperance Act was carried in ten of the fourteen counties of New Brunswick. The cities of Fredericton and Portland also adopted the Act. The city of Portland subsequently became a part of the city of St. John, to which it was contiguous. The city of Portland repealed the Canada Temperance Act, which for several reasons had never been really operative. Surrounding these cities is the county of St. John. The free sale of liquor under license in the city made efforts to enforce the law in the county difficult. The county also repealed the Canada Temperance Act. In all the rest of the province in which the Canada Temperance Act was adopted it is still in force. Nearly all of these counties have now had ten years' experience of the law. Not long ago the town of Moncton, in the county of Westmoreland, was erected into a city. Thus at the present time the province contains fourteen counties and three cities. The Canada Temperance Act is the law of nine counties, which contain several large and flourishing towns, and two cities. What has been said of Quebec in relation to the continued favour of the people for prohibition, applies forcibly to this province. Efforts have been made in different parts of the province for the repeal of the law, and with the exception of those named such attempts have always failed.

### MR. JOHNSON'S TABLES.

In this connection it is necessary that some attention be given to the memorandum prepared by Mr. George Johnson, Dominion statistician, dealing with the Canada Temperance Act, especially in New Brunswick. The paper was prepared in response to a letter from the chairman of the Commission to the Hon. the Finance

Minister, asking for statistics relating to convictions for crime in those parts of the Dominion in which prohibitory laws were in operation, and similar information relating to places not under the operation of such laws. The request was handed to Mr. Johnson, who prepared a statement in reference to crime in Canada generally. (See Appendix No. 17, vol. VII.)

He confined his analysis, so far as it related to counties under prohibition and license respectively, to the province of New Brunswick.

He commences his comparison with this statement:

"With respect to the Canada Temperance Act, it may be said that during the ten years (1882-91) it has been in operation for longer or shorter terms in sixty-six counties, cities and towns. In thirty-six counties, etc., it has been in force since 1881 to 1889; and from 1885 to 1889 in was in force in fifty-four places. During these four years (1885-89) the convictions for crime throughout Canada were 139,845, of which for drunkenness there were 46,903 convictions. During four years (1881-84) the total convictions for crimes were 123,454, of which 30,863 were for drunkenness. During three years (1889-91) there were 114,386 convictions for crimes, of which 40,883 were for drunkenness.

"The averages per annum are:—

| —— | 1881-84. | 1885-88. | 1889-91. |
|---|---|---|---|
| Total convictions | 30,803 | 34,961 | 38,128 |
| Drunkenness | 10,436 | 11,726 | 13,628 |
| Per cent of drunkenness | 33·8 | 33·5 | 35·7 |
| Conviction for drunkenness per million inhabitants | 2,371 | 2,561 | 2,844 |
| Convictions, all other, per million inhabitants | 4,640 | 5,074 | 5,151 |
| Scott Act in operation in places | 36 | 54 | 33 |
| Mean of population | 4,400,900 | 4,578,745 | 4,756,500 |

"It would appear from this," Mr. Johnston says, "that there was less crime in 1881-4, when there were but thirty-six places under the Canada Temperance Act, than in 1885-8 when there were fifty four places under the Act. It would also appear that there was a reaction in favour of drinking when the Scott Act counties became reduced in number, as also in favour of crimes generally."

As a matter of fact, at the commencement of the criminal year ending September 30, 1881, the Canada Temperance Act had only been carried in fifteen places. In some of these it had not come into operation; and in one of them it never came into operation because of legal technicalities. At the end of that year (1881) it had been carried in only twenty-six counties, in three of which it never came in force, and in some others of which it had not then come into force. At the end of 1884 it had only been adopted in thirty-one places; in some of these it had not come into operation, and in three of them it never came into operation; so that for the period during which Mr. Johnson estimates thirty-six places under the Canada Temperance Act, there had not at any time been thirty places so situated. At the end of 1887 it was actually in operation in sixty counties and cities, exclusive of the three already mentioned in which it had been carried but had not become operative. It continued in operation in at least fifty-two of them up till 1st May, 1889, so that the grouping by years is inaccurate.

Generally speaking, however, for the ten years mentioned, the Canada Temperance Act was at a minimum of operation in the criminal year ending 1881, and at the maximum of its operation in the criminal year ending 1887.

Later on in his statement Mr. Johnson says:—"It would seem that the result of the investigation is to show that in a general way the Canada Temperance Act has not reduced crime."

It is difficult to understand how this conclusion is arrived at. The figures given, if accurate, would better justify a statement the reverse of Mr. Johnson's. That gentleman, however, although offering them a basis for the deduction quoted, asserts

their incompleteness. The *Statistical Year Book of Canada*, 1892, says: "Much diversity of opinion exists as to the results of the working of the Scott Act, and no reliable statistics are available showing the number of convictions for drunkenness in districts for periods when the act was and was not in force, and only by such means can the results be approximately arrived at."

In a detailed table Mr. Johnson classifies offences for the ten years (1882–91), and states that the period 1886–7–8 has an exceptionally bad record. This is a period included in that in which the figures above quoted show the Scott Act to have in operation to a maximum extent. He says: "It seems to be a settled fact that the period 1886–7–8 was, as regards serious crimes, the worst of all three of the periods into which the nine years of crime has been divided."

This period was not exceptionally bad as regards the total of crimes committed. It was only exceptionally bad in relation to the class described by Mr. Johnson as "offences against the person," and the record of the offences of that class was low for the years 1887–8 in which the Canada Temperance Act was at a maximum.

The criminal year 1887 was the year most affected by the Canada Temperance Act, the year 1888 coming next. What might really be considered the most serious crimes are those classed as indictable offences, and the convictions under this heading were lower in 1887 than in either of the two preceding years. The period 1886–7–8 can only be said to be bad, even from the standpoint taken to Mr. Johnson, because of the extra bad record of 1886, during most of which the Canada Temperance Act was not operating to a maximum extent.

A fair statement showing the varying criminal record, and the varying extent of the Canada Temperance Act operation, could have been made; and it would not have conveyed the wrong impression that when the Canada Temperance Act was most generally in operation serious crime was most prevalent.

It will readily be admitted that with such a law as the Canadian Temperance Act thoroughly enforced the criminal record would be affected by the increased number of convictions for violation of that law, and it would be fair in any presentation of statistics intended to be an index of the results of the Canada Temperance Act to deduct from the aggregate of convictions the convictions for violations of the liquor law. What has been said elsewhere about the effect of partial prohibition upon the record of criminal drunkenness should also be borne in mind in this connection. As the fairest and nearest statement that could be made in this connection, there is submitted herewith a table showing the total criminal record for all the years dealt with by Mr. Johnston, and giving as nearly as possible the extent to which the Canada Temperance Act was in operation in these different years.

It should of course be remembered that, after all, the Canada Temperance Act only affected, even at its maximum, a minority of the population of the Dominion, and that the figures presented show the criminal record for the whole country, which no doubt was affected at different times by other causes. The table is simply given for what it is worth as the grouping that would naturally present itself:—

| Year. | Places under C. T. Act. | Convictions for violation of liquor laws. | Other convictions. | Total convictions. |
|---|---|---|---|---|
| 1881 | 12 | 1,747 | 27,478 | 34,997 |
| 1882 | 18 | 1,672 | 29,633 | 31,306 |
| 1888 | 25 | 2,006 | 31,382 | 33,388 |
| 1884 | 25 | 1,856 | 27,680 | 29,536 |
| 1885 | 27 | 2,056 | 31,812 | 33,869 |
| 1886 | 37 | 2,627 | 31,247 | 33,874 |
| 1887 | 59 | 3,735 | 30,718 | 34,450 |
| 1888 | 51 | 4,257 | 33,392 | 37,649 |
| 1889 | 31 | 3,030 | 35,401 | 38,431 |
| 1890 | 30 | 2,203 | 36,337 | 38,540 |
| 1891 | 29 | 2,309 | 35,106 | 37,415 |
| 1892 | 28 | 1,265 | 33,732 | 34,997 |

The criminal year does not coincide with the Canada Temperance Act year. The year of change from license to Canada Temperance Act, or *vice versa*, therefore presents difficulties. In the above table the Canada Temperance Act is counted as in force only when it was in force for the full period of the criminal year named.

It might appear at first from consideration of this table that from 1881 up till 1886 there was, generally speaking, a marked increase of crime. The soundness of such a conclusion is very doubtful. The statistics are collected under an act which first came into operation in 1876. For some time after the returns made were very incomplete. The Statistical Abstract and Record for 1886 says:—

"It is, however, very much to be regretted that these returns have not at present by any means attained that degree of perfectness which is desirable and practicable." After a table giving the total convictions to the end of 1885, the same official book says:—"The above tables show the imperfectness of the returns as made to the Government. According to the figures there was an increase in the total number of convictions in 1885 of not less than 4,318, which would indicate the passing of an extraordinary wave of crime over the Dominion, which there is no reason whatever to suppose was the actual fact."

In all probability the returns were more full in 1885 than they had been previously. The *Statiscal Year Book for* 1892 says that "great improvements have taken place in the compleness of the returns, and that the probability is that the average of the four years 1888 to 1891 very fairly represents the actual average for the decade. This statement, made also under Mr. Johnson's direction, considered in connection with the actual figures, certainly does not justify the statement that crime increased under the Canada Temperance Act.

The practice of drinking, which so often leads to the habit of drunkenness, is much more likely to be affected by the operation of a law like the Canada Temperance Act than is the police record of convictions for drunkenness. Men who are slaves to the drink habit will make sacrifices of character, effort and money to gratify that appetite such as would not be made by those in whom it was not developed. Under partial laws not very effectively enforced men who have become habitual drinkers will nearly always manage to obtain drink. The record for drunkenness might, therefore, be very little altered even in places where the Canada Temperance Act was accomplishing good, lessening the sale of liquor and improving the moral tone of the community. It would not be strange, therefore, if the first operation of the Canada Temperance Act in a locality was attended with an increase in the police court record, and it is remarkable that the actual figures indicate such a falling off during the maximum Canada Temperance Act period.

That the criminal statistics of the country are, at best, incomplete is stated in the *Statistical Year Book of Canada*, 1890, prepared under Mr. Johnson's supervision. The Year Book says:—"The returns, however, are now much more accurate and complete, though still some considerable distance from perfection. Extreme accuracy is most desirable; for statistics of crime, when they can be depended on, are not only valuable indications of the social conditions of the country, but are also of much importance both in the making of laws, civil and criminal, and in illustrating the working of them. Comparisons also between provinces, which would be interesting, are deprived of value owing to the uncertainty of the completeness of the returns, and it may be that the province supplying the fullest particulars will appear to have the largest proportion of crime. The returns of indictable offences are supposed to be complete from all the provinces, but except from Ontario and perhaps Quebec, it is certain that those of minor offences are deficient."

Referring to the apparent increase of convictions in 1889 over previous years, the Year Book says:—"As has been already mentioned, the increase in the figures does not at present necesssarily mean a corresponding increase in crime (though with a growing population the number of offences must be expected to increase), but it is largely owing to greater accuracy and completeness in the returns."

The difficulty of fairly classifying such statistics as are available being admitted, it should be a reason for special care in such grouping and classification, and cannot be considered an explanation of groupings and statements that are incorrect, and that

present the criminal records of the country for Canada Temperance Act years in a specially unfavourable and misleading manner.

### THE NEW BRUNSWICK COMPARISONS.

Mr. Johnson, dealing particularly with New Brunswick, goes on to show that in the years 1882-1891, inclusive, there were in the counties of New Brunswick under the Canada Temperance Act 8,738 convictions for offences of every kind, the population of such counties being 196,422 in 1891. In the other counties, under license, there were 14,102 convictions, the population of those counties being 124,841. Or, as he otherwise expresses it, 61 per cent of the population, under the Canada Temperance Act, had 38½ per cent of the criminal convictions of the province; and 39 per cent of the population, under license, had 61½ per cent of the criminal convictions.

This comparison is quite striking, showing greatly in favour of the Canada Temperance Act. It must be borne in mind, however, in considering it, that the worst criminal record for the province would naturally be expected to be that of the city of St. John, which has the largest and densest population, and is a seaport, facts which somewhat affect the criminal record, apart altogether from the Canada Temperance Act or license.

Mr. Johnson goes on in his paper to make a number of statements regarding matters concerning which the Commission had not inquired. He compares the manufacturing developement of the Scott Act counties with that of other counties in the following form: "Tested by manufacturing developement, the counties show an increase per head as follows:—

| | | |
|---|---|---|
| In capital: | Nine Scott Act counties | $24 15 |
| | The other counties | 27 56 |
| | Difference per head in favour of the others | 3 41 |
| "In employees: | Nine Scott Act counties; increase per thousand inhabitants | 18.0 |
| | The others, per thousand inhabitants | 24.4 |
| | Difference per thousand inhabitants in number of employees | 6.4 |
| In wages: | The nine Scott Act counties increased per head of population | $5 28 |
| | The others increased per head of population | 8 27 |
| | Difference per head in favour of others | 2 99 |
| In products: | The nine Scott Act counties increased per head | 11 84 |
| | The others increased per head | 22 80 |
| | Difference per head in favour of others | 10 96 " |

It is difficult to understand why this statement should have been submitted in reply to an inquiry concerning crime. Since, however, it has been presented, attention should be called to its misleading character.

The inauguration and development of manufacturing industries depend upon a number of conditions and circumstances, such as local supplies of fuel or of raw material used in manufacturing, convenience of shipping or railway facilities, and other conditions. The suggestion that in New Brunswick they are affected detrimentally by the operation of the Canada Temperance Act is a very strange one. Moreover, the figures from which Mr. Johnson's statements are compiled afford no grounds for such suggestion.

The amount of increase of capital invested in manufacturing industries might be large, and yet be represented by only a small amount per capita of the population, if the population were very large. A small proportion of the increase of manufacturing capital might represent a much larger amount per capita if the population were small. There might be a large increase in a given manufacturing industry in

a certain locality, and yet the proportion of increase per capita of a large agricultural community (at a point in which the industry was located) would seem small. If fully and fairly presented the facts cannot convey wrong impressions.

The census return, which Mr. Johnson quotes as the basis of his calculation, shows the increase of capital invested in manufacturing industries from 1881 to 1891 in New Brunswick to be as follows:—

CAPITAL INVESTED IN MANUFACTURING INDUSTRIES.

| | In 1881. | In 1891. | Increase. |
|---|---|---|---|
| In C. T. A. counties | $3,865,531 | $8,608,648 | $4,743,117 |
| In license " | 4,559,751 | 8,000,107 | 3,441,356 |
| EMPLOYEES ENGAGED IN SAME. | | | |
| In C. T. A. counties | $9,820 | $13,339 | $3,419 |
| In license " | 10,102 | 13,270 | 3,168 |
| WAGES PAID IN SAME. | | | |
| In C. T. A. counties | $1,935,483 | $2,972,971 | $1,037,488 |
| In license " | 1,930,528 | 2,963,050 | 1,032,522 |
| VALUE OF PRODUCTIONS. | | | |
| In C. T. A. counties | $9,104,223 | $11,431,457 | $2,327,234 |
| In license " | 9,407,835 | 12,254,179 | 2,846,344 |

It is clear from these statements that in the Canada Temperance Act counties the capital invested was actually increased in a larger proportion than was the capital invested in license counties. It can only be made to appear to have had a less increase by distributing it over the population in both cases, notwithstanding the fact that in both cases a large proportion of that population had nothing whatever to do, except indirectly, with such manufacturing industries—in many cases such population being largely agricultural.

In the same way misleading calculations are made in reference to the increase in the number of employees, wages paid and products.

Considering the population of New Brunswick, the paper under consideration says :—"The nine counties (under Canada Temperance Act) show during the decade (1881 to 1891) a decrease of 4,869 in population. The others (under license) show an increase of 4,900 in population during the same period."

It also sets out in detail that while there was in the whole province of New Brunswick from the years 1881 to 1891 a falling off in the birth-rate and death-rate respectively, the birth-rate decreased by a larger per cent in Canada Temperance Act counties than in counties under license, and the death-rate decreased by a larger percentage in license counties than in counties under the Canada Temperance Act, and says :—"It would appear from this that the non-Scott Act counties are the best nurseries for population."

The suggestion that certain counties in New Brunswick decreased in population because the liquor traffic was not permitted in them is absurd. The fact is overlooked that some Scott Act counties have very much increased in population, while

some license counties show serious falling off. For example, the county in New Brunswick which shows the greatest increase in population is Westmoreland, a Canada Temperance Act county, which has an increase of 3,758; and one of the worst cases of falling off is that of the county and city of St. John, under license, which shows a retrogression of 3,592.

As a matter of fact, the changes of population were influenced and determined by altogether different causes, and the attempt to make it appear that the Scott Act is responsible for them is inexplicable. The whole increase in population in the province of New Brunswick for the decade named was 30. The reasons for its stagnation were discussed by Mr. Johnson in Bulletin No. 3 of the census, 1891; and his explanation then was as follows:—

"The family is becoming smaller. It averaged 5·74 persons in 1871, 5·57 persons in 1881, and 5·43 persons in 1891. The causes for this decrease are: First, the decay of early marriages, and, second, the increasing tendency to celibacy. The first cause is the effect of increasingly complex conditions of life; the second is due to the spread of education, which enables females to become better wage-earners, and, therefore, less interested in marriage.

"But the reduction of the average family does not account in whole for the stagnation of population revealed by the census returns. The population has removed in larger numbers than in previous decades.

"In the present census we have provided for the ascertainment of the extent to which there has been an interprovincial distribution of the people. The analysis is not yet complete, but the partial trials made show that the people of these provinces have gone, during the past ten years, in an increasing degree to the western portion of our country. The stagnation in the east is partially accounted for by the natural movement westwards. It is also accounted for by the increasing aversion to agricultural pursuits. Other causes no doubt have contributed to the stagnation."

Perhaps Mr. Johnson had forgotten that he had written this explanation of the falling off of the population in New Brunswick when he prepared the statement which makes it appear that the falling off was to any extent chargeable to the Canada Temperance Act.

Mr. Johnson closes his statement as follows:—"It would seem that the result of the investigations is to show that in a general way the Canada Temperance Act has not reduced crime, but that where it has been under the most favourable conditions imaginable, there criminal convictions have materially decreased. Second, that in other respects, for instance, industrial prosperity, population, character of population as to age-periods, etc., the New Brunswick illustration fails to prove that the Canada Temperance Act carries in its train other material blessings."

These conclusions have certainly no reasonable basis in the facts upon which they are said to rest. Your Commissioner's reason for referring to them at so great a length is because they form part of an official statement, made in response to an application to a Minister of the Crown for information, and, therefore, might be received with undue importance if their unreliability were not pointed out.

Mr. Johnson was before the Commission at Ottawa, and was questioned not only on the statements of the paper quoted, but concerning the criminal statistics generally of Canada. His answers show that while there is a steady improvement both in collecting and compiling statistical information, there yet remains something to be done before accuracy is attained.

It is made clear that no comparison can, with any fairness, be made of the returns of earlier years with those now received. Such comparison would be sure to show an increase of crime in the country, whereas, if the returns of the periods compared were either equally complete or equally incomplete, it would probably be shown that there has been a decrease of crime in the country at large.

Mr. Johnson said: "It is difficult to make comparison with any degree of satisfaction for a further period back than four or five years."

### OTHER EVIDENCE.

Much of the evidence heard in New Brunswick had reference to the Canada Temperance Act. Three places in which it was in operation were visited, viz., St. Stephen, Fredericton and Moncton.

St. Stephen is in Charlotte county, which adopted the Act in 1880, and which, in 1891, on a petition to repeal it, declared in favour of its retention by a greatly increased vote, the majority being three to one. The evidence heard in St. Stephen was to the effect that the Act has been a benefit to the town and country at large.

Mr. J. D. Chipman, mayor of St. Stephen, said it had lessened drunkenness; and Mr. C. N. Vroon, an ex-mayor, presented official figures showing that poverty and forms of crime other than drunkenness had been reduced during the enforcement of the Act.

Mr. W. W. Graham, for six years mayor of Milltown, a town of about 2,500 people, adjoining St. Stephen, and in the same county, said that the law has had a beneficial effect since its enforcement ceased to be hampered by appeals to the supreme court.

In the city of Moncton, where the law is admittedly more violated than in any other place in New Brunswick, there was no lacking testimony of its beneficial effects, notwithstanding the sometimes lax enforcement. And concerning the county of Westmoreland, which includes Moncton, it was shown that there was a good degree of enforcement and with good results.

### FREDERICTON.

Fredericton, the capital of the province, has had the Act in operation longer than any other place in Canada, having adopted it in October, 1878. It came into force on the 1st day of May, 1879. Three times attempts have been made to repeal it, but it still remains the law of the city.

That there have been many violations of the law, and that it continues to be violated, nobody pretends to deny; but that, in spite of many difficulties, it has greatly reduced the sale and consumption of liquors, and promoted sobriety and good order, is shown in the evidence, as in the refusal of the citizens to repeal it.

Mr. D. F. George, one of the leading lumber merchants of the city, said:—"There is not one-fourth the liquor sold in Fredericton there was twenty-five years ago."

Mr. J. C. Risteen, proprietor of a planing mill and door and sash factory, said there is much more sobriety amongst his men, and "the law has been a benefit to the community."

Rev. G. G. Roberts, rector of the Church of England, who has lived many years in the city, said:—"The Act has been beneficial to Fredericton."

Judge Steadman said:—"If you expect the Scott Act will entirely suppress the traffic, you will never see it; or if you expect it to decrease the traffic by nine-tenths, you will not probably see it; but if you expect the traffic to be decreased by two-thirds, which would be a reasonable expectation, that would be sufficient to satisfy the public mind. I think that is the effect of the Scott Act in the counties where it is enforced. It does decrease the drinking habits of the people and the sale of intoxicating liquors by, at least, two-thirds. I may say that it is so in Queen's and Sunbury, and I think in York, too, taking the whole county together. That, in my opinion, is a satisfactory, and ought to be considered a satisfactory enforcement of the law."

Mr. Dow Vandine, who was in charge of the police force for ten years, and had only retired to accept another office four days before he gave evidence, told the commission that the law has been well enforced. He said:—"In the last ten years we have driven at least fifty persons out of the trade;" some of them have been driven out of the city, and remain out.

He described the difficulties sometimes met, the hotels being the chief offenders, and always on the watch for the officers and others whom they might suspect of having designs against them.

About arrests for drunkenness, he said every man seen staggering is arrested, whether he is disorderly or not. Under the license system two out of ten drunken men might be arrested, but now eight out of ten are arrested; we arrest every one of them whom we see. There has, he said, been a steady decrease, during late years, of petty offences, thefts, disorderly conduct, and this he attributed to the enforcement of the Act.

Mr. John L. Marsh has been police court judge twenty-one years. Before being made police judge he was city clerk, and had to do with the issue of licenses. He says there was much illicit sale then, in what was called "jug-taverns," notwithstanding there were some years as many as forty or more licenses; there was also much Sunday selling, presumably by the licensees. There are, he said, no "jug-taverns" now. There is much less drunkenness than formerly, which he attributes "to a great extent to the fact that liquor selling is illegal." The Act has, he said, been a success "to a large extent; its effects has been good." And he added:—"I remember under the license law, that on Christmas eve, if you walked through the city, you would hardly find a countryman without a jug to put liquor in; but now that is very rare."

He also confirmed the statement of Mr. Vandine about arrests, saying that they are made for less cause than before: "We arrest three now where we would not arrest one before; if a man is staggering now he is arrested."

Asked about flagrant sale, he said:—"I think the sale has been more since the Commission arrived than it was before. So I am informed by the policemen."

Subsequently your Commissioner had a conversation with Judge Marsh about this, in which he (Judge Marsh) stated that J. A. Edwards had told him that an exhibition of liquor selling was being made for the benefit of the Commission, and that the show made at Howard & Crangle's billiard saloon was the great one. It was explained to him that one of the Commissioners was in an office in the same building as the billiard saloon, that when the saloon man had everything ready the Commissioner was introduced. Then another Commissioner was telephoned for; on his arrival he expressed great surprise at what he saw, and asked if another Commissioner (naming him) knew this; but the parties managing the affair would not call the third Commissioner.

The object of such exhibitions, as explained by the police magistrate, was to give the Commissioners the impression that what they saw is the every day condition under the Canada Temperance Act.

A somewhat similar trick was, it is said, resorted to a few years ago. A vote was to be taken on the adoption of the act in a neighbouring city. The opponents of the Act feared it might be adopted. They invited a gentleman of position and influence to Fredericton to see how the Act worked. They prepared for his coming by having rooms fitted up in several private houses as bars, besides making as elaborate arrangements as possible in the hotels. The gentleman was taken to all these places, and went home convinced that the Act was a failure, and threw his influence against its adoption in his own city.

A. A. Sterling, sheriff of York county, said:—There is not anything like the drunkenness now that there was previous to the passage of the Act." The greater sobriety is attributable in considerable degree to the Act:—"Young men twenty years old now were only six years old when it came into force, and they have grown up without the influence of open bars before their eyes; and I take it that the temperance sentiment has been strengthened by the fact that the trade has been hidden." He added:—"I think the manner in which the Scott Act has been enforced and sustained is a very strong testimony in favour of the temperance sentiment of this town, because scarcely any other Act could be enforced at all under the conditions with which the Scott Act has had to contend."

Some inquiry was made as to whether the Act has had any effect on pauperism in the city. Mr. A. D. Thomas, superintendent of the almshouse said:—"Taking the twelve years from 1879 to 1891 (under the Canada Temperance Act), and the twelve years immediately preceding (under license), there is a difference of forty-five less in the last twelve years as compared with the twelve years before. That is a re-

duction under the Canada Act as compared with the twelve years before it." The accounts of the almshouse show the cost of support for twelve years under the Canada Temperance Act average $500 per year less than for the twelve years under license, immediately preceding the adoption of the Act.

Marysville, a prosperous and growing town of over two thousand population, adjacent to Fredericton, is also under the Canada Temperance Act, Mr. Alexander Gibson, in his cotton mills and lumbering operations, employes about 1,200 people in the spring and summer, and about 2,400 in the winter. There is no liquor selling in the town; there is only one policeman, who has very little to do; and there is no pauperism.

Mr. Gibson believes that prohibition of the liquor traffic has had a good effect on his employees. He says:—"I think it has. In all the thirty years I have been there, I have kept everything fully insured, and I have never yet made a claim for a loss, which I think is to be attributed to the fact that there was no liquor."

In a letter addressed to the Commission by Mr. H. A. McKeown, M. P. P., of St. John, N. B., but which does not appear in any part of the report, the following statement is made concerning the Canada Temperance Act:—"I am familiar with nearly all the counties in New Brunswick in which the law is in force. I live in St. John city, which is under the operation of the license law, fortified by an inspector who has under him about forty men, whose duty it is to report violations of that law. I make no hesitation in saying that in each of the Scott Act counties of New Brunswick there is less violation of that Act than there are violations of the liquor license Act now in force in St. John, and in which place the inspector reports the law well enforced. I believe the Scott Act to be a good law, and on the whole well enforced in New Brunswick."

## DIFFICULTIES OF ENFORCEMENT.

In any judgment of the efficiency of the Canada Temperance Act in New Brunswick consideration must be given to the exceptional difficulties which attended it in the earlier years of its enforcement, some of which have not yet ceased to hamper its workings.

Appeals involving the validity of the Act arose out of some of the first cases of conviction in Fredericton. They were taken through all the courts to the Judicial Committee of the Privy Council. There was long delay before judgment was given, during which time the law was practically a dead letter. Subsequently, appeals, based on a great variety of grounds, were taken to the supreme court, causing long and vexatious delays. The mayor of Milltown stated in his evidence that cases from that town were before the court three years before a judgment was given; and during all that time they were unable to enforce the law. Some St. Stephen cases which were appealed in March, 1881, were not decided till April, 1893. Meantime the law was inoperative, and during 1882 there were thirty rum shops in operation in the town.

An examination of the Crown paper of the Supreme Court, between April, 1890, and November, 1891, shows that the whole number of cases of all kinds entered was 150. In 141 cases judgment was given, 4 were settled, and 5 remained undecided. Of the 141 judgments, 128 were given the same term the cases were entered. Of the other 13, three had to wait two months; three had to wait three months; and seven had to wait four months. The five undecided cases were entered—three in April 1890, one in January 1891, and one in October 1891.

And all the undecided cases were Canada Temperance Act cases; four of them from Fredericton, and one from St. Mary's, immediately opposite Fredericton. Those interested in the proper enforcement of the law had done all they could to get the cases properly decided, but without avail.

Nor had the difficulty caused by appeals and delayed judgments ceased to operate against good enforcement at the time the Commission visited the province.

Mr. F. E. McCully, Canada Temperance Act inspector in Westmoreland county, giving evidence before the Commission in August, 1892, was asked if these difficulties

had been overcome. He answered: "Apparently not. There are to-day, I think, in the county of Westmorland, outside of Moncton, sixteen or eighteen appeals since January, and they will be pending up to the next term of the Supreme Court. In all these cases, in the great majority of them at least, proceedings are stayed and will be stayed till the cases are disposed of. But nothing can be done in collecting the fines in connection with these suits. To go on with other parties while these cases are pending is quite difficult for two reasons. You cannot base a subsequent offence on that conviction, because you might be sued for contempt of court if you did. Another reason is that the temperance people have become discouraged in a way. I think appeals generally have a discourrging effect."

He also expressed his belief that if the obstacles referred to were removed the enforcement of the law would be with much better effect.

There are, your Commissioner is informed, at the date of this writing, convictions in Fredericton the penalties for which cannot be executed because of appeals to the Privy Council. And the thorough enforcement of the law against the offenders for subsequent offences is greatly hindered thereby.

The actual result, of the operation of the Canada Temperance Act in New Brunswick, despite ordinary and extraordinary difficulties, will be learned from a careful examination of the evidence submitted to the Commission by persons so situated as to know whereof they speak, and likely to be unprejudiced against the Canada Temperance Act. It is not needful to repeat that the evidence of persons interested in liquor selling, or who have suffered the penalties that attend their efforts to resist the law, must be received with caution. There is abundant testimony outside this by which to judge of the measure.

The general opinion of the people of New Brunswick has not been expressed by a plebiscite, as has been that of some other provinces. But the question of prohibition was brought up recently in a newly-elected legislative assembly, which adopted by a unanimous vote on 7th April, 1893, the following resolution:—

"Whereas, in the opinion of this legislative assembly the enactment of a prohibitory liquor law would conduce to the general benefit of the people of this province, and meet with the approval of the majority of the electorate, and

"Whereas, legislative power in respect to the enactment of such a law rests in the parliament of Canada; therefore

"Resolved, that this assembly hereby expresses its desire that the parliament of Canada shall, with all convenient speed, enact a law prohibiting the importation, manufacture and sale of intoxicating liquors as a beverage into or in the Dominion of Canada."

This, from all that your Commission has been able to gather, may be taken as a fair expression of the desire of the majority of the electors of New Brunswick.

## NOVA SCOTIA.

In the province of Nova Scotia temperance sentiment is very strong. There are some counties in which your Commissioners were told no license had been issued for fifty years.

Nova Scotia has eighteen counties and one city. Thirteen counties adopted the Canada Temperance Act. In one of these (Colchester) it failed to come into operation on account of a legal technicality connected with the proceedings necessary to bring it into force. At the instance of friends of prohibition it was repealed. In the other twelve counties the law is still in operation. The last of these to adopt it was Guysborough, in June, 1885.

The license law of Nova Scotia makes a petition from two-thirds of the local electors a necessary condition precedent to the granting of a license. So difficult is it for would-be licensees to comply with this condition that there are four counties, outside the Canada Temperance Act counties, in which no license can issue. Colchester, in which the Canada Temperance Act was repealed, is one of these. Licenses are issued in the city of Halifax and in the counties of Halifax and Richmond.

The extent to which the prohibition thus in operation is enforced varies in different localities. Your Commissioners found that in some places there is an element hostile to the law and active in the practice or encouragement of its violation. It is worthy of note that notwithstanding this difficulty, which is made more a difficulty by the partial and local character of the law, prohibition is still warmly approved by a great majority of the people. No vote on the Canada Temperance Act has yet been taken in the two counties in which licenses are issued, nor in the city of Halifax.

In Halifax, Truro, North Sydney and Yarmouth the Commission heard evidence. It was made clear that in Halifax but slight regard is paid to the restrictive features of the license law, either by the licensees or others.

Truro, which is under the prohibition provided in the license law, has had serious struggles at different times with illicit selling, but has succeeded, in the main, in suppressing the traffic in a large degree.

North Sydney presents a peculiar condition. The Canada Temperance Act is in force there, but has not been well enforced. Much of the difficulty of efficient enforcement has evidently arisen from the adverse and (as at least one witness, a barrister, said) illegal decisions of a county court judge, and the large expense caused the prosecution thereby.

Several managers of coal mines in Cape Breton were examined, all of whom testified to the beneficial effects of prohibition as enforced in their several districts.

Yarmouth has had the Canada Temperance Act in force since 1894. Previous to that it had the prohibition provided for in the license law. For fifty years or more there has been no license to sell liquor granted in either the town or the county.

The population of Yarmouth is something over 6,000. It is a seaport, and many sailors go there. The mayor said the number yearly is "12,000 in and out." But, notwithstanding the presence of so many sailors, the mayor stated that there is "no serious or insurmountable difficulty in enforcing the law."

There is very little drunkenness. The police magistrate said about twenty different persons had been before him for drunkenness in the last year. Disorders are very rare.

There are several extensive manufactures in Yarmouth, and some of the managers gave evidence of the beneficial effects of prohibition.

If the rule applied by Mr. Johnson to the Canada Temperance Act in New Brunswick is correct, then the Act may be credited with Yarmouth's great increase both in manufactures and population.

Census bulletin No. 12 says:—"Yarmouth has made remarkable progress, having been in 1881 one of the smallest per head in manufacturing, and in 1891 having reached the figure of $206 per head, the population having in the same time increased 75 per cent."

One witness from Annapolis and one from Barrington were heard. Both stated that the law is well enforced.

The evidence taken in Nova Scotia is well worthy of consideration. It is safe to say that the mass of public opinion in the province is favourable to prohibition of the liquor traffic. The plebiscite in March, 1894, resulted in a declaration by the electorate in favour of prohibition by a vote of 43,756 to 12,355. Every county in the province but one, and all the principal towns, including Halifax, gave a majority in favour of prohibition.

## PRINCE EDWARD ISLAND.

This province has long been noted for the temperate character of its population. When the Canada Temperance Act was passed by the Dominion parliament Prince Edward Island prohibitionists at once began work to secure its benefits. On 20th December of the same year, 1878, it was voted upon and adopted in Prince county. The following year it was adopted in the city of Charlottetown and in King's county. In 1881 it was adopted in Queen's county. An attempt to repeal it in Prince county, in 1884, resulted in an increased majority in favour of the Act. The city of Charlotte-

town defeated repeal movements in 1884 and 1887, but repealed the Act in 1891 by a majority of fourteen.

During the time the Canada Temperance Act was the law of the whole province the provincial license law was inoperative, and the probability of its being required again was so small that it was dropped from the statute book. Charlottetown, therefore, had, after the repeal of the Canada Temperance Act, no law whatever relating to the sale of liquor. Later, the legislature, while refusing to enact a license law, passed a measure imposing rigid police restrictions, which all who sold liquor were required to observe. Sale was only permitted during certain hours, in premises having unscreened windows, open to the street, having only one entrance and having no seating accommodation, and in which no other goods were sold.

When the Commission visited Charlottetown the police regulation had been in operation only a few weeks—not long enough to determine its effects. Since then information has been received which shows that it was very unsatisfactory, drunkenness and disorders being very prevalent. The following extract from a letter from Rev. W. W. Brewer tells the condition of things under the police regulation :— "

"CHARLOTTETOWN, P.E.I., 30th January, 1894.

"DEAR DR. MCLEOD,—You ask,—'1. Do the police court records show the true condition of things?' No. Scores of drunken men go unarrested every week—mostly countrymen on market days. I have seen more drunken men on the streets of our city during the past twelve months than in any two years of my residence in Charlottetown. I do not think, however, that drinking is on the increase in the city, save as stated above on market days. The blindless windows, closing at 10 p.m. and on Saturdays at 6 p.m. and on Sundays, with other restrictions have, to some extent, checked public drinking and open drunkenness.

"The present liquor regulation Act is working ruin to our farming population who come to the city to do business. Travel on our country roads at night after market is not only unsafe because of the reckless driving of drunken men, but perilous in the extreme.

"'2. Is the present system preferable to the Scott Act?' No.

"'3. If what I have seen in the papers about drinking amongst boys, and serious disturbances, death by rum, etc., is correct, what is the explanation of the police court record?' Not one of the fifty of the countrymen who come to the city on market days and get drunk fall into the hands of the police. Son, daughter, wife, or friend will take care to get the drunken farmer beyond the city limits as quickly as possible. I have never known a year in Queen's county so saddened with fatality and blackened with horrible crime as the year 1893, all of which is directly traceable to the fact that rum is so easily obtained and so generally used. Five deaths in as many months, a brutal stabbing in a tavern between two farmers, almost fatal, fighting and brawling to an extent I have never known before, are some of the results of the present system in our city and county.

"I may add that the very large number of saloons and drinking places in Charlottetown under the liquor regulation Act greatly affects the value of houses in our city. A property consisting of a store and residence in the very heart of Charlottetown is to-day unrentable, save as a storeroom for pork, and is unsaleable—solely because there are saloons on every side of it.

"I will conclude by saying that I was one of the first to move in obtaining the present restrictive law, the object of which was to regulate the sale of liquors in our city. I am now forced to confess that it has signally failed. This fact is now admitted on all sides. The only redeeming features are the blindless windows and the closing of the saloons on Saturday at 6 p.m. until Monday morning. This last provision is, however, violated by many of the saloon-keepers. Liquors purchased before six o'clock on Saturday are taken into so-called private dwellings attached to many saloons, and in such rooms men drink on Saturday and Sunday without let or hindrance.

"We are, however, looking for a change. Charlottetown will, in the near future, again have an opportunity of voting on the Scott Act, and judging from the

recent "pleb." vote we shall win by hundreds. In enclose police report from June 1893, to January, 1894.

"I am, my dear sir,
"Yours sincerely,
"W. W. BREWER."

The evidence heard at Charlottetown shows that, as in other provinces, delays in the courts interfered somewhat with the efficient enforcement of the law. Judge Hodgson told the Commissioners that the Fredericton, N.B., appeal cases made a long delay, during which not much enforcement was possible.

But, notwithstanding various difficulties, there seems to have been a fair degree of enforcement of the law in Charlottetown. Hon. T. C. Haviland, mayor of the city and ex-governor of the province, said: "There were two or three years under the old license law when Charlottetown was in a terrible condition. * * * At one time it was so bad that the stipendiary magistrate applied to the city council to largely increase the police force on account of the demoralized condition of the city." He said the condition under the Canada Temperance Act was much improved; "there was more sobriety than under license—decidedly so."

Other witnesses gave similar evidence.

As soon as the three years had expired, which must elapse between the repeal of the Canada Temperance Act and its re-adoption, the people of Charlottetown petitioned to have a vote. The vote was taken on the 19th April, 1894, when the city re-adopted the Act. This fact gives emphasis to the evidence of those who said the Act did more to restrict the liquor traffic and reduce its evil effects than either the license or police regulation system.

When the Canada Temperance Act had been in operation in the city of Charlottetown for six months after its re-enactment, in 1894, the record of convictions for drunkenness made during that time compared with the record for the corresponding six months of the previous year, when liquor selling was permitted, was as follows:—

| | 1893. | | 1894. |
|---|---|---|---|
| August | 20 | | 6 |
| September | 43 | | 16 |
| October | 18 | | 11 |
| November | 22 | | 10 |
| December | 11 | | 8 |
| January | (1894) 5 | (1895) | 4 |
| Total | 119 | | 55 |

The only other place on the Island visited by the Commission was Summerside. The chief difficulty in that town is, probably, attributable to the loose manner in which the vendor under the Act conducts his business.

Sheriff Strong told the Commission that, "The Act has undoubtedly been beneficial to Summerside and the whole country."

In Prince Edward Island and elsewhere no attempt was made at examination into the condition of affairs in rural places, in which the Commission was assured that the law was thoroughly effective. The witnesses examined were practically unanimous in their testimony to the effectiveness of the Canada Temperance Act in the province at large.

The fact of their experience under partial prohibition gives special weight to the verdict given by the people of Prince Edward Island in the plebiscite on the question of total prohibition which was taken on 15th December, 1893, and which resulted as follows:—

| | |
|---|---|
| For prohibition | 6,118 |
| Against prohibition | 1,923 |
| Majority for prohibition | 4,095 |

CONCLUSIONS.

That there have been violations of the Canada Temperance Act in all the places where it has been adopted, and in some places, at certain times, many and even flagrant violations, there is no doubt. That the law, at best, is imperfect its warmest friends admit. But it is considered preferable to any license system, affording a degree of relief from the evils which attend the legalized drink traffic which commends it to the majority of the people who have had long experience of its working and effects.

THE NORTH-WEST.

The prohibitory law of the North-west Territories gave the most thorough prohibition of the liquor traffic which has been had in Canada. From the time the territories came under Dominion control, in 1870, up to 1892, the law relating to the liquor traffic was in these terms:—

"No intoxicating liquor or intoxicant shall be manufactured, compounded or made in the territories except by the permission of the Governor in Council; nor shall any intoxicating liquor or intoxicant be imported or sold, exchanged, traded, or bartered, or had in possession therein except by special permission in writing of the Lieutenant-Governor."

In various official reports there is a deal of evidence about the working and effects of the law.

Colonel Herchmer, commissioner of the mounted police in the North-west, in his report in 1888, said:—

"I consider that the homes of our rural settlers, who being in the majority, are the class in whose prosperity and welfare a government should be most interested, and the country parts are generally and remarkably free from liquor and its effects. * * * In reality these settlers seldom or never get whisky except when they visit the towns, and even then the instances are rare in which farmers have been under the influence of liquor; and although public meetings have occasionally been called in the towns, when this law and all connected with its enforcement have been deluged with abuse, no meetings have ever been held to my knowledge in rural places, nor have any resolutions in favour of extended liquor privileges been passed at any country meetings."

Being questioned on this by the Commission, in 1892, he said he was still of the same opinion, and that there was no agitation in favour of a change to a license system.

In the same report (1888), referring to the plea for a license system, Colonel Herchmer gave the results of his observation of both systems, thus:—

"Having lived in Manitoba in the old days when a permit was required, and when it was only responsible people who were able to procure them, and having lived in that portion of the province since the license law was extended to it, and having during all the time I have lived there occupied positions which occasioned continual travelling over a larger section of the country than any other resident, I believe that I possess sufficient information to speak with some authority on the subject, and I unhesitatingly affirm that under the permit system and the North-west Act, as then interpreted by our judges, there was less intoxication among the whites, according to population; and there can be no comparison between the quantity of liquor been supplied to Indians and the quantity they have obtained since that portion of the province was, as certain people call it, emancipated."

Superintendent Cotton, of the mounted police, in the report for 1889, said:—

"The construction of the main line of the Canada Pacific Railway proceeded quietly, and the total absence of all serious crime—notwithstanding the sudden influx of thousands of rough navvies—was remarked with astonishment. This was again and again borne testimony to by prominent men who had experience in other countries. Even with the efficient police surveillance maintained, such happy results could not, I think, have come about but for the prohibitory laws existing. That these laws

were sometimes broken even in those days is an undeniable fact. Such, however, was the exception, not the rule."

In his evidence before the Commission in 1892 he reiterated the above statement, adding: "If all the working parties had had the right to bring in liquor and use it, the story of the construction of the Canada Pacific Railway would have been exactly similar to the history of the Northern Pacific and the Union Pacific railways. There would have been rows and murders of all kinds, I have no doubt."

And in his report for 1891, immediately before the change from prohibition to license, Superintendent Cotton put himself on record thus:—"As it is certain that the law will be changed within a short time,it might be well to observe that no law, in my opinion, ever existed on the statute-book which effected so much in so short time. To it can be credited the quiet, peaceful opening up of this territory by the North-west Mounted Police. Only the old officers and men of the force know what a hold it gave over the western roughs. The whisky traders were the strong element in the country, but a rigorous enforcement of this law soon extinguished them."

In an address delivered in London in the summer of 1880, Sir Charles Tupper made the following reference to North-west prohibition:—

"Some years ago (1872) he had the honour of proposing to Parliament the most prohibitory law that ever was proposed in any country, applying to a section of country 2,500,000 miles in extent, called the North-west Territory. It was a measure for entire prohibition. There, he felt, was presented an opportunity of dealing with the question on its merits, and without the difficulties involved by the enormous vested interests that in this country and every other country where the liquor traffic has been established formed the great obstacle to success. * * * It might be asked: Do the people in the North-west Territory object to the absence of the privilege of being able to purchase intoxicating drinks? Not in the least; but on the contrary, he was proud to know that when the proposition was made to annex a portion of the North-west Territory to Manitoba, where the liquor traffic existed, one of the strongest objections to the annexation was that it would deprive them of the great blessing of a prohibitory liquor law."

Lieutenant Governor Royal, of the North-west Territories, in a letter to the Commission under date 7th January, 1893, said:—

"For seven years and more the law of 1875 had brought about all the good results that the legislation had anticipated, when in 1882 and 1883 the Canada Pacific Railway Company placed under contract the construction of its line across the plains to the Rocky Mountains. Many apprehended, and not without reason, that the cortege of crimes of all sorts, which had accompanied the construction of trans-continental lines in the United States, would inevitably appear from the moment the uninhabited Territories were reached; fears of interference by the Indians with the progress of the work were also entertained. Yet none of these fears and apprehensions were realized. Owing to the absence of strong liquors in the camps of the railway navvies, owing to the discipline and strict surveillance exercised by the North-west Mounted Police, the construction was proceeded with and carried on through more than seven hundred miles of vacant and silent plains with at least as much order and tranquillity as if it had been across any of the provinces of eastern Canada."

Evidence taken by the Commission confirms the foregoing statements as to the beneficial effects of prohibition.

Hon. H. G. Joly gave this evidence:—"I happened to be in the North-west Territory when total prohibition prevailed, and certainly at that time, with the class of people who were there then, I think it was very beneficial. There were scarcely any settlers there, and the country was over-run with working men from every part of the world, who were employed in constructing the Canada Pacific Railway. I travelled on a construction train with hundreds of men, as the railway was not finished beyond Moose Jaw. Some American gentlemen were with me, and they called my attention to the fact, observing all the discomfort to be endured by these men, large numbers being packed in the cars and even standing on the platform, that if such a state of things had prevailed on the Northern Pacific there would

have been a regular pandemonium; while here, though the men were very much crowded and though some could not find seats and had to lie on the floor, there was no liquor drank and there was no disorder."

Sir William Dawson said:—"In our North-west, when the Canadian Pacific railway was building, I had an illustration which struck me exceedingly forcibly. There were at that time—and I went there when the road was in process of construction through the plains and the Rocky Mountains—perhaps 20,000 men employed on the road, and I neither saw drunkenness, fighting or quarrelling there; everybody seemed in a sound mind, and I never saw so many labouring men quiet and orderly (they being, moreover, of all nationalities), as there were there. It struck me very much as an illustration of the power of a restrictive measure, because there were no liquors allowed, except for medicinal purposes."

Lieutenant-Governor Schultz, of Manitoba, than whom no man is more conversant with the North-west, gave valuable testimony. He referred to the several prohibitory measures which have been in operation in various parts of the territories, as well as to the prohibitory law now under consideration. (See Vol. 3, pp. 158-163.)

The "permit" feature of the North-west prohibitory law was its weakness, and led eventually to its overthrow. The governor, for the time being, who was invested with authority to issue "special permission" to persons needing liquor, could, if so disposed, interpret that authority to mean much more than was intended by the framers of the law, and could issue "permits" as freely and indiscriminately as he chose.

Governor Royal, in his letter already quoted, says:—"The granting of 'permits' or exemption, gradually assumed the character of a regular system under my predecessors in office."

That there was a great increase in the quantity of liquor taken into the territories by "permission," the following table shows:—

| Year. | Galls. of liquor imorted under "permits." |
|---|---|
| 1881 | 3,165 |
| 1883 | 6,736 |
| 1884 | 9,908 |
| 1885 | 9,758 |
| 1886 | 20,564 |
| 1887 | 21,636 |
| 1888 | 56,388 |
| 1889 | 151,629 |
| 1890 | 153,670 |
| 1891 | 121,825 |

The population of the territories in 1881 was 25,515. In 1891 it was 67,554. The population in the last decade increased 165 per cent, as shown by the foregoing table, while the importation of liquor, by "permission," increased more than 4,000 per cent.

Governor Royal's term of office began in July, 1888. The number of "permits" and the quantity permitted increased steadily during his administration.

In 1889 four per cent beer was, practically, made free, the governor's idea being that the consumption of beer would reduce the consumption of spirits. But that it did not have that effect is evident from the fact that in that year 11,460 gallons of spirits were "permitted" nearly double the quantity in any previous year. And besides the large quantity of "permitted" spirits, it is in evidence that other large quantities of spirits came in under cover of "beer permits."

In the language of Governor Royal, "what had been intended as an exception by Parliament, soon overshadowed the law itself and became the rule." And the effect was most disastrous.

The mischief done by the free use of permits was greatly increased by a decision given by one of the judges. The decision was that, "Any one bringing in

liquor under the governor's 'permit' may transfer such liquor to other residents of the territories, who are not themselves in possession of the 'permits'; and, further, that persons receiving liquor are not liable to punishment."

The effect of this was that whenever a quantity of liquor was found, the man having it in possession, if he had no permit of his own, could borrow one from his neighbour and so protect his illicit liquor.

Colonel Herchmer, in his annual report, 1890, said:—"The liquor question is still in a very unsatisfactory condition, and while the importation of beer has, I think, lowered the demand for stronger liquor, the ruling of the court that liquor once admitted under 'permit' can be held by anyone, and the fact that counterfoils of permits belonging to other people can protect liquor, almost completely kills the enforcement of the North-west Act."

It was also stated in evidence, by inspector Harper of the mounted police, that there had been cases in which illicit liquor was seized, but before prosecution could be carried to a conclusion the accused would apply for and get a permit to cover the seized liquor and protect him from conviction.

Permits were freely issued to persons known to be engaged in liquor selling. Thomas Connors, now a licensed liquor seller at Banff, gave evidence that he had been engaged in illicit liquor selling during the prohibition period, that he smuggled liquors into the country frequently, and that he always had a permit to protect him in case a seizure was made. He had had, he said, a number of permits from the Governor, and they covered his liquor wherever he got it, and saved him from conviction.

It is not difficult to see what the effect of this system of indiscriminate "permissions" would be. The officers of the mounted police testified that because of it, and the added difficulty caused by the judge's decision referred to, it became almost impossible to enforce the law against anybody; everybody was protected, either by the direct authority of the governor, or, under the judge's decision, by borrowed authority of the governor.

Whether such exercise of the "permit" issuing authority was designed to make prohibitory law inoperative, your Commissioner does not here express an opinion; but that it did break down the law quite as effectually as if deliberately designed to that end is a matter of history. The law, which was intended to prohibit the liquor traffic, and which for many years did effectually prohibit it, had, by the unwarranted use of the "permit"—issuing authority, "degenerated," says Governor Royal himself, "into the most unsatisfactory and crude licensing system possible."

Governor Royal seems to have expected that Parliament would interfere and establish a license system. He says:—

"It was, of course, to be expected that Parliament would amend the law, and that new provisions would be enacted whereby either total prohibition of some licensing organization would supercede the individual action of the Lieutenant Governor. This, indeed, would have been done had it not been, as it was reported publicly, for the agitation of the prohibitionists all over the Dominion."

But though Parliament did not take from the territories the prohibition it has given them, the Governor says "public opinion compelled Parliament to vest in the Legislative Assembly of the territories power to legislate upon the liquor question," and that, "It belonged to the general election of the fall of 1891 to demonstrate in an unequivocal manner what were the feelings of the electorate concerning the settlement of the question. The Parliament of Canada having in the session of the same year vested in the legislature the power to pass ordinances in respect to the liquor traffic, the question was at once put at issue before the electors. "The result was that only a small group of prohibitionists were returned, and the Legislative Assembly, after careful deliberation, adopted a high license and local option ordinance, which came into operation on the 1st of May, 1892, and is to-day the law of the land."

An explanation of the foregoing statement is necessary. The North-west council was peculiarly constituted; of twenty members, six were members without election by the people. When in 1887 a motion was carried in the council favouring a change from prohibition the majority of those elected by the people voted against it.

The next year (1888) a legislature newly elected adopted a resolution by 14 to 6 in favour of a plebiscite. But the plebiscite was never had.

The legislature, elected in 1891, and which enacted the license law, was not elected on that issue. The question which overshadowed all others in that election concerned the respective powers of the governor and the legislature. There was a "dead lock" on account of the conflict of authority, and the people were appealed to to sustain their representatives or the governor. Much evidence was taken about this, and the witnesses agreed that the question of license or prohibition did not enter into the election.

### EFFECTS OF THE CHANGE.

Before considering the effect of the change from prohibition to license, it is well to show how the "permit" system, as operated in the later years, affected the criminal records of the territories. The following table was compiled from such official records as were available.—

| Year. | Convictions. |
|---|---|
| 1883 | 229 |
| 1884 | 296 |
| 1885 | 296 |
| 1886 | 390 |
| 1887 | 227 |
| 1888 | 294 |
| 1889 | 409 |
| 1890 | 476 |
| 1891 | 555 |

It is seen that with the large increase of permitted liquors, which began in 1888, there was a corresponding increase in crime.

In May, 1892, the license system came into operation. The Commission visited the territories in the fall of the same year. Though there had been less than six months of license, many witnesses testified that there had been an increase of drinking and of the disorders accompanying the liquor traffic.

The mayor of Regina said:—"We have had more of it (drunkenness) since the license system came into force." The mayor of Prince Albert said:—"The license system is increasing the drinking in the rural districts." Like evidence about the rural districts was given by others.

In Calgary there had been a large increase in the arrests during the six months of license. One of the witnesses said:

"We looked over the books this morning, and I found that since the license law came into operation there have been 136 arrests for all offences. Of that number 102 have been for drunkenness. These have been during the six months the law has been in force. For the corresponding six months before there were 60 arrests for all offences, and 33 were for cases of drunkenness or vagrancy."

The magistrate at Banff told a like story about that place and Canmore.

The Ven. Archdeacon McKay, of Prince Albert, said he had seen more drunkenness on the streets of Prince Albert under the license system than he ever saw before. And his evidence is a sample of much that was said on the same subject.

It was also shown that the licensees under the present system flagrantly and continually disregard the prohibitions of the license law, and that there are unlicensed persons engaged in the traffic without being interfered with either by licensees or officials.

Mr. Hayter Reed, commissioner of Indian Affairs in the North-west, told the commission that it had been necessary, since the license law came into operation, to take extra precautions to keep the Indians from getting liquor. Officers of the mounted police agreed with Mr. Reed in this. And their reports made since then confirm the worst fears that were entertained.

In his report for 1892 Superintendent Perry says:—"The effect on the Indians by the change in the liquor law, so far as can be judged at present, has been bad.

They have obtained more liquor under the license ordinance than they formerly did, and the difficulties in preventing this are greater. They buy from or through the half-breeds, and sometimes directly. In a case recently tried at Regina a wholesale dealer was convicted for selling two gallons of whisky to an Indian who spoke fair English and looked altogether like a half-breed. This whisky was taken to Pi-a-pot's reserve during hay-making, and the whole camp became drunk."

Inspector Huot, stationed at Duck Lake, reports that:—"Some half-breeds have, when without ready cash in hand, sold cattle at sacrifice in order to procure liquor, the sale of which is constantly going on about them. Under the old system it would have been impossible for such persons to obtain permits at will."

Later evidence than that taken by the Commission is available. The effect on the men of the mounted police has evidently been bad. Colonel Herchmer, in his 1892 report, says there has been "an increase of drunkenness amongst the men." He adds: "The introduction of the license Act has enabled some men who formerly could not get liquor to disgrace themselves and the force, and those I have been obliged to dismiss as useless."

In the same report Superintendent Steele, of Fort Macleod, says:—"There is no stint of liquor of all descriptions at a low price, while the barracks are so close to the town that the temptation to certain men has been very great. As was to be expected, a certain number who were slaves to liquor soon showed their dispositions and were dismissed from the force."

Superintendent Dean has had similar trouble with the men of his command at Lethbridge. They have given him much trouble by their drunkenness. Six had to be dismissed from the force. He makes a statement which is a comparison of six months in the last year of the prohibitory law and the first six months of the license system. He says:

"From the 25th of May until the 30th of November, 1891, there were eight cases of drunkenness in the division. During the corresponding months of the present year there were thirteen cases, but this does not by any means represent the real increase in consumption of strong drink by men who had evidently been drinking, although they were not under the influence of liquor from a disciplinary point of view."

Colonel Herchmer in his report of 1892, already quoted, says:

"Even in the best regulated districts there has been, I think, more general drinking than under the permit system, and one result is established beyond contradiction, viz., that the half-breeds and Indians can get more liquor than under the old law. Under the permit system liquor was expensive and dealers were afraid to give to people they could not trust, and consequently the lower classes of whites and half-breeds could very seldom get any. Now half-breeds with money can get all they want, and as many of them are closely related to the Indians, and in some cases live with them, it is impossible, when liquor once gets into their possession, to prevent Indians camped with them from getting it also; again, it is impossible for any one not personally acquainted with them to tell, on sight, half-breeds from the better class of Indians, the latter class, in many cases, dressing like whites, cutting their hair and speaking good English and French. In some cases very little exertion is made to establish their identity, and undoubtedly Indians very often buy liquor as half-breeds."

"To give you an idea of the consumption, I am creditably informed that between the first of June and the first of December six carloads of liquor have gone to Battleford; in addition to this there can be little doubt that considerable amounts have gone in smaller consignments not recognized as liquor.

"At Batoche and Duck Lake, with a joint population within fifteen miles of less than 400 male adults (outside of Indians), there are two wholesale and two retail licenses; more than four-fifths of these residents are half-breeds and poor, cultivating from five to twenty acres of land and owning generally about four horses and nine head of cattle each; the whole of the contents of each house being worth on an average less than fifty dollars. There is little or no outside travel at these places,

and the question is, how are these licensed houses supported? Some of these half-breeds have sold cattle at less than their value to obtain liquor with the proceeds, but not in sufficient quantities to support the trade; there is little or no money in either of the settlements—in fact, in former years considerable relief has been required.

"While I have not the actual figures of liquor imported since the first of May, and under the permit system it was impossible to find out the actual quantity of liquor imported illegaly, I have no hesitation in writing that the quantity of liquor used under the license system very greatly exceeds that under the permit system, and that while the heavy drinkers under the old system, except those who have taken the gold cure with advantage, still drink heavily, a considerable number of settlers who formerly seldom or never obtained liquor, are now using large quantities and, as I stated before, half-breeds can get it whenever they have money, and consequently, in many cases Indians, in spite of the closest watchfulness on our part."

These official reports to the Government, by the chief officer of the Mounted Police and his subordinate officers, are a strong condemnation of the license system as it operates in the territories.

In addition to the foregoing your Commissioner has the following letter from Rev. Leo. Gaetz, of Red Deer, N.W.T., a gentleman so well known in Canada, so conversant with past and present conditions in the territories that his testimony must have great weight. Writing under date 11th December, 1893, he says:—

"* * * As to the liquor selling and drinking in the North-west under license, I say this deliberately and positively, that in this portion of the country the license has increased the sale of liquor one hundredfold and drunkenness in much the same proportion. I am speaking now of Red Deer and the surrounding places, principally Innisfail and Lacomb. Under the 'permit' system liquor came in kegs and bottles, now it comes by barrels. Under the 'permit' system it injured chiefly those immediately along the public lines of travel. Farmers a mile or two off the roads knew generally nothing of the movements of the smugglers, and went on with their work. Now it is centralized and published, and he leaves his home and work expressly to get it, or finds it open and attainable when he comes on other business. Then, only occasionally the hard cases gather where a 'permit' was expected, or known to be, and have a short debauch. Now they lie around the tavern or rum shop and spend their time and money more freely and leisurely. Then, only a few well known drunkards smelt out a 'permit' and went to excess. Now, persons who were never, before the inauguration of the license, known to touch liquor, are drinking more than they can stand and spending more than they can afford. Then, the few notorious cases when drunk lay concealed in a willow bluff or log shack. Now, they lie around the saloons, reel the streets or infest the different stores, either unconscious of their degradation or glorying in their shame, to the disgust of sober citizens and the contamination of the uninitiated.

"I do not know of any places in this vicinity where liquor is sold without license. Nor do I know a single licensed place in which the conditions of a license are observed any better than the system that prevailed before license. Liquor is sold after hours, sold on Sundays, sold to persons who are already intoxicated; indeed in almost every way that a license law can be violated, the North-West license law is violated, just as license laws always have been and probably always will be."

"Yours very truly,

"Leo Gaetz."

The record of convictions for all offences in the territories shows a marked increase since the adoption of the license system in May, 1892. The total convictions were:

| | |
|---|---|
| 1892 | 708 |
| 1893 | 711 |

### CONCLUSIONS.

The conclusions reached by your Commissioner as to the North-west prohibitionary law are as follows:—

1. That so long as it was given a fair chance it worked admirably, reducing liquor consumption to a minimum.

2. That it was broken down by an unwarranted exercise of the permit-issuing authority.

3. That corresponding with the increased consumption of liquors imported into the territories by "permission" of the governor, there was a steady increase of crimes.

4. That in the election of members of the Legislative Assembly of 1891, the question of the liquor traffic was not the issue, all other questions being overshadowed by the "dead lock" between the Lieutenant-Governor and the Assembly.

5. That the protests of the people against alleged maladministration, and their appeals to be allowed to vote directly on the question of retaining prohibition or changing to license, were disregarded.

6. That since the introduction of the license system there has been a still greater increase in the consumption of liquor; that extra precautions have had to be taken to prevent sales to Indians, and without success; that the mounted police have felt the baneful influence of the traffic; that drunkenness and disorders have increased; and that the criminal record shows an upward tendency.

7. That the prohibitory law, at its best, was a marked success; and that even under the loose system of permits which prevailed for some years, it was preferable to the present license system.

That there is, probably, now a substantial majority of the electorate of the territories in favour of prohibition.

Such prohibition of the liquor traffic as Canada has had—whether by direct enactment, as in the North-west; by local option laws, as the Scott Act and Duncan Act; or by non-issue of licenses because of the failure of applicants to secure the requisite number of signatures—has, notwithstanding the limited areas in which it has operated, the proximity of hostile territory, the opposition of the combined liquor interests of the country, and admitted defects in even the best laws, undoubtedly had good effect, and points to the greater good that would result from a general prohibitory law.

## IV.

The fourth subject of inquiry committed to your Commission is:

"The effect that the enactment of a prohibitory law would have in respect of social conditions, agricultural business, industrial and commercial interests, of the revenue requirements of municipalities, province and Dominion, and also as to its capability of efficient enforcement."

### SOCIAL CONDITIONS.

The effect that prohibition would have upon the social conditions of the community can, to some extent, be inferred from the results that have already been obtained, and from the fact that such prohibition would remove the cause of evils that now exist. The mere "enactment" of a law could not be very effective, beyond the educating influence that must be exercised upon the community in reference to evil, by the fact of legislation against that evil. Respect for law will also be cultivated by the bringing of law into harmony with right principles.

It is impossible, in face of the facts already set out, to come to any other conclusion than that the effect of prohibition on the social condition of the people

would be good, the extent of the benefit conferred by it varying with the thoroughness of the enforcement of the law.

The evidence laid before the Commission unmistakeably demonstrates that the liquor traffic is invariably productive of terrible evils. That evidence also makes it clear that every diminution of the traffic is accompanied by a lessening of those evils. It is also manifest that the law the results of which approximate most nearly to prohibition of the liquor traffic would be most effective; and, so far, it is clear that prohibitory laws have been more restrictive of the traffic and more promotive of desirable social conditions than any other form of legislation known. Were the direct evidence on this point not so complete, the conclusion would be inferred from the fact that the liquor traffic opposes prohibitory legislation and resists the operation of it, as well as from the declared favour of that traffic for any kind of legislation in preference to prohibition.

There can be no escape, therefore, from the conclusion that the abolition of the traffic by legal prohibition would bring about vastly improved social conditions, to the great benefit and blessing of the country.

### AGRICULTURAL BUSINESS.

The effect that prohibition would have upon agricultural business is not at first sight so clear. The liquor traffic furnishes a market for certain kinds of agricultural produce, and it is frequently assumed that if the traffic were abolished the agriculturist would suffer. Looking into this, it is seen to be a less serious matter than it is made to appear.

The annual production of barley in Canada during the ten years 1882 to 1891 has been diminishing; in 1882 the product was 27,658,444 bushels; in 1891 it had fallen to 21,634,817 bushels; the average annual yield for the ten-year period being 23,184,131 bushels. The Inland Revenue Report, 1893, shows that the total amount of barley taken in that year, for the manufacture of malt and for other liquor-producing uses, was 1,389,045 bushels. It is thus seen that the liquor manufacturing business furnishes a market for only about 6 per cent of the barley produced. If barley growers find a profitable market for 94 per cent of their product elsewhere, it will not be very difficult for them to find a market for the 6 per cent now taken by liquor makers.

There is also the fact that farmers are not compelled either by the profitableness of the crop, or for any other reason, to continue to raise barley if the market for it should be limited. It has been stated in evidence that the land devoted to barley growing could quite as profitably be devoted to other uses.

Another fact related to this branch of the inquiry is that about the amount and value of imported grains etc., used in the manufacture of Canada's liquor. According to an estimate by the Commission, the value of the materials used in liquor manufacturing annually is about as follows:—

| | |
|---|---|
| Imported materials | $1,103,326 |
| Home-produced | 1,279,439 |
| Total | $2,382,765 |

The value of the materials imported for liquor manufacture is just so much of the country's money sent away, and for which no equivalent is received, the only return being the impoverishing and demoralizing liquors produced.

It is claimed that the cattle-feeding business, carried on to some extent in connection with liquor manufacturing, has a right to be considered as an increment of the people's wealth. It is true that the refuse of grain used in making liquor is fed to stock, and that by the export of the meat thus produced the country receives a good deal of money.

An examination of this shows the fallacies it involves. Much of the grain used in making liquor is imported. After having its nutritive powers to a great extent destroyed, the refuse goes to the production of beef and pork, which finds a market

outside of the Dominion. That market would be in no sense impaired if the liquor business ceased to exist. The supply for it would, in the absence of depreciated foreign grain, be made by feeding stock on native Canadian produce.

The liquor traffic in its relation to the stock-feeding industry is really an interference with the Canadian agriculturist.

Canada is a grain-producing and a grain-exporting country. It will be admitted that the wealth of a country depends to a large extent upon the magnitude of its exports. The surplus production sent abroad is represented in a return, either in money or other value, which represents the real increment of the country's wealth from such surplus production. Whatever tends to lessen the surplus lessens the country's wealth. In general terms, it may be said that the consumption of grain in any form that is not beneficial to the community involves the diminution of the national wealth, just as if that amount of grain had been destroyed by fire. It is clear that the consumption of liquor in Canada adds nothing to the health, strength, morals or wealth of the consumer, but in many cases is productive of injury or loss. Thus harm is done to the country as a whole.

The following results in relation to agricultural business would be likely to accompany prohibition:—

1. The first effect would be to impel agriculturists to produce material for export rather than for the domestic manufacture of liquor.

2. The wealth of the country would be increased by the amount of grain accruing from the exportation of this produce instead of its destruction.

3. The increased national wealth, being to some extent in the hands of a class of the community now impoverished through intemperance, would be likely to raise the general standard of living, thus leading to an increased home consumption of the finer classes of agricultural produce. This would be beneficial to agricultural interests.

4. If the distilling business were terminated there would be likely a falling off or a complete stoppage of the importation of foreign grain now used for distilling, and the refuse of which is taken for feeding stock, a large part of which stock finds its way to a foreign market. This would naturally compel the feeding of this stock upon Canadian produce, which would be a benefit to agricultural interests.

5. To the extent to which the agricultural classes are now consumers of intoxicating liquors, that class would be benefited by their savings through the termination of the liquor traffic. Increased sobriety, meaning improved habits, would tell favourably upon agricultural as well other interests. What benefits the country at large must benefit the farmer.

### INDUSTRIAL INTERESTS.

The effect of prohibition on industrial interests could only be made known by the actual experiment.

The first effect would be the termination of liquor manufacturing, which is now a legalized industry of the country.

The extent of this business may be gathered from the following figures:—There are in Canada (see Census bulletin No. 8, 1891,) 162 breweries, 8 distilleries, and 5 malthouses. These have invested in machinery, tools, etc., as follows:—The breweries, $1,187,723; the distilleries, $282,500; and the malthouses, $5,000; and they employ, respectively, 1,865, 404, and 43 persons. The whole number of liquor manufacturing establishments is 175; the money invested, $1,475,223, and the employees, 2,312.

Real estate is not included in the above sum; it does not need to be considered, as its value would not be appreciably affected by prohibition.

There are certain related industries which would be affected, as cooperage, bottle making, etc. The employees of wholesale houses and bar-tenders would be out of employment. The capital employed in the manufacture of liquor would have to seek other investment; and the persons engaged in the various branches of the business would have to seek other employment.

Could the money find profitable investment in other ways? is a question which has been many times asked in the course of the Commission's inquiries. The answers, while differing (usually according to the attitude of the witnesses toward the liquor traffic), show a very general agreement of belief that the capital now employed in liquor making and traffic would not long remain idle; that money in this country does not go begging for profitable investment. There is like agreement that those now employed in the manufacture and sale of liquors would not be long without employment equally remunerative to themselves and vastly more profitable to the country.

If the business were unobjectionable in every other respect, it is not an advantage to the industrial classes that so much, or even any, money is invested in liquor manufacturing; for no branch of business in the country gives, according to the capital invested and the market value of the output, so little employment.

Mr. George Gooderham, of the firm of Gooderham & Worts, Toronto, whose distillery is the largest in Canada, said that his firm employed 150 men, and admitted that he did not know of any business in Canada, employing the same amount of capital and having such an enormous output, which gives employment to so few people.

Besides, the fact that any number of persons are given employment by the liquor traffic, instead of being, as is claimed, an argument in its favour, is an argument against it.

It is a doctrine of political economy that the wealth of a country is dependent on, and in proportion to, the number of those who produce something useful and valuable, and that every man who is not producing valuable goods, or by his work adding to the prosperity of the country, is a burden on society. Those engaged in the manufacture and sale of liquors are not producing anything of value to the country. They are not only non-producers, but are engaged in a business which increases, in the ratio of its success, the number of non-producers.

The great majority of non-producers in the country are, (1) the people engaged in the liquor traffic, (2) the police and other officials whose duties are made necessary by the traffic, (3) the many thousands who by the drink habit work only part of the time or not at all, and (4) the wholly dependent classes—paupers, insane and criminals, a considerable proportion of whom are the product of the liquor traffic.

The overthrow of such a traffic could not be detrimental to any interest of the country. The saving of the money now spent in liquor by that class whose small income always runs close to the outlay necessary to maintain an existence must be beneficial to every kind of legitimate industrial occupation.

It is to be regretted that the Commission declined to send questions to the large employers of labour throughout the country relating to this subject; and also that in Maine, the only place, outside of Canada, especially noted for manufacturing, in which the Commission's inquiries were prosecuted, none of the men managing large industries were examined.

Considerable evidence, however, was gathered in Canada in regard to the effect of the liquor traffic upon industrial occupations generally and the earnings of the working classes. And that evidence is deserving of special attention.

Roderick McDonald, manufacturer of copper and brass goods, steam fixtures, etc., Halifax, N. S., employs 140 men. He said his firm had a decided preference for abstainers; they do all they can to keep drink shops away from the vicinity of their works; customers, including brewers, object to drinking men being sent to work on their premises. As a ship owner he would not think of employing a captain or engineer who drinks. He added:

"I believe that if we had prohibition for five years it would so change the face of the country that we would not know our Dominion. In making that statement I am simply voicing the opinion of Mr. Bright, Lord Palmerston and such statesmen."

Charles Archibald, manager of the Gower Mine, Cape Breton, N. S., employs from 300 to 400 men. He said the drink habit lessens decidedly the wage-earning power of men; their drinking is an injury to us also; we have certain expenses

going on all the time, and if our men are off work involves a loss to us—a very severe one; previous to the enforcement of the Scott Act the loss was very great, both to the men and to us; there has been a marked improvement since the law has been in force; national prohibition would have a good effect upon our business and upon business interests generally.

Several other managers of mines in Cape Breton gave similar testimony.

Harvey Graham, iron founder, New Glasgow, N. S., employs 400 men. He prefers abstainers as a matter of business, the drinking men lose time and are not able to earn much; their drinking is also a detriment to our business, we get rid of the drinkers as quickly as possible; we object to drink shops near our work, and are glad to have the Scott Act enforced; the effects of its enforcement are good.

J. F. Gregory, accountant of Murray's Mill Co., St. John, N. B., said they employ a large number of men. They would not employ drinking men if they could avoid it; drinkers lose from ten to twenty-five per cent of time, those who do not drink take good care of themselves and families, the drinkers have to be taken care of through the winter; our business has suffered through the drinking habits of some of our employees; there are drink shops near our mill and they are a temptation to men who otherwise would not drink.

J. C. Risteen, of J. C. Risteen & Co., planing mill and door and sash factory, Fredericton, N. B., said they employ twenty-five men; we must have men who do not tamper with liquor; it would be ruinous to our business to have drinking men; under the license law we had more difficulty to get and keep sober men than now; the absence of liquor-selling places is good and helps the man to be temperate.

Alex. Gibson, Marysville, N. B., who employs in his lumber and milling business and cotton factory; 1,200 in the summer and 2,400 in the winter, is a strong advocate of abstinence and of legal suppression of the liquor traffic. No liquor is sold in the town of Marysville, to which fact Mr. Gibson attributes the absence of disorder and the thrift and prosperity of the people. In the thirty years during which he has developed immense business under his control, though keeping all his property fully insured, he has not had to make a single claim for loss by fire, and this he thinks is largely due to the absence of liquor selling in the town. He expressed the belief that from a business point of view alone, it would be infinitely advantageous to the country to prohibit the liquor traffic.

Charles E. McKeen, manufacturer of boots and shoes, Quebec, said considerable trouble is caused manufacturers by drinking employees; when a man is away it is our loss as well as his; it lessens our output, while our running expenses are the same; we sometimes have orders cancelled because not filled in time, the failure to fill them being due to drinking employees; a few drinkers often interfere with the work of many others: "We had a case about two weeks ago; four men stopped the output of the entire factory for three or four days." He believes prohibition would be a great advantage to the business of the country.

D. W. Karn, manufacturer of pianos and organs, Woodstock, Ontario, employs two hundred men. He said he had been compelled at various times to discharge some of the best workmen he ever had, for drinking; not only the men themselves lose by drinking, but their employers are losers too; he has lost hundreds of dollars by not being able to fill orders, the inability to fill them being caused by drinking men. When the Scott Act was in force there was a great improvement; it will be better still if we have a general prohibitory law.

William J. Copp, iron founder, Hamilton, Ontario, employs one hundred and fifty men. He said we much prefer abstainers; the wage-earning power of drinking men is much reduced; their drinking is also a very serious disadvantage to our business; in our business the absence of one man at particular times may interfere with many men, hindering the work they have in hand, and we have had serious losses from the absence of some on account of drink; the establishment of licensed drink shops near our works is injurious; they induce men to drink; drink shops

depreciate the value of property near them; national prohibition of the liquor traffic would have a very beneficial effect on the business interests of the country generally

Hart A. Massey, Toronto, president of the Massey-Harris Co., manufacturers of agricultural implements, the said company employs from twelve hundred to fifteen hundred men; they pay in wages about $500,000 annually; their annual output is from $3,000,000 to 5,000,000; they have had a good deal of trouble, first and last, on account of drinking employees, and have suffered considerable loss; they have had men who lost fully one-third of their time through drink; the drinking of one man often interferes with the work of a gang—their work has to stop while he is off drinking; there has scarcely been an instance of suffering in the families of our men that has not been traceable to drink; other branches of business would not suffer by the abolition of the liquor traffic, but would receive an impetus; forms of industry, now dormant for want of capital, would be established, and labour would find employment; the purchasing power of the people would be increased; a distillery or brewery with an annual output equal to theirs would not employ nearly so many men; a prohibitory law would be a decided advantage to the country, it would be the best law that could be given to the country.

The fact that employers of labour, in increasing numbers, are requiring abstinence from intoxicating liquors on the part of those whom they employ, at least while on duty, is suggestive of the economic value of such abstinence, and by implication, of the interference of the liquor traffic with the various industries of the country.

The action of the chief railway corporations of the United States and Canada is significant. A leading New York paper, in 1891, addressed letters of inquiry to a large number of railroad superintendents, asking what were their rules in relation to the drinking habits of their employees? The replies showed that all the leading roads require absolute total abstinence of all employees while on duty.

Like rules are enforced by Canadian railways. The following is a rule of the Canadian Pacific Railway:—

"The use of intoxicating liquors will be followed by immediate dismissal from the company, and preference will be given to employees who abstain from the use of such altogether."

The general superintendent says: "I consider that the only guarantee of safety for railway companies is to have this rule strictly enforced."

The Intercolonial Railway (under control of the Government of Canada) has the following rules:—

"Only men of known careful and sober habits will be employed in any position affecting the movement of trains. The use of intoxicating liquors when on duty is strictly prohibited. Persons known to indulge freely in intoxicating liquors, or to frequent bar-rooms or places where liquor is sold, will not be kept in the railway service.

"Any employee of the railway who is known to be intoxicated, either when on duty or when off duty, will at once be dismissed from the service."

The evidence goes to show that the various industries and the wage-earners of the country have no enemy so dangerous and so damaging as the liquor traffic.

Manufacturing and commercial interests generally would be favourably affected by prohibition. The capital formerly employed in the liquor traffic and connected businesses would, probably, suffer temporarily in its transference to other lines of investments. The loss which the carrying trade would at first suffer would be comparatively small, and in time would probably be fully compensated because of the general increase in business and the improved prosperity of the country.

It is difficult to conceive how anything but benefit could come to the industries and commerce of the country by the prohibition of a traffic which is the cause of national waste of more than $134,000,000 annually.

### THE REVENUES.

The effect prohibition would have "in respect of the revenue requirements of the municipalities, provinces and the Dominion" is an important consideration, though not by any means the most important.

### THE MUNICIPALITIES.

As will be seen from the statistics submitted, the revenue derived by the different municipal bodies in the Dominion is comparatively small; and in many cases is offset by the expense entailed upon those municipalities by the results of the traffic. It must also be remembered that these municipalities, in most cases, have and exercise the power of direct taxation. No form of tax could possibly become as heavy an impost upon the public for the collection of a certain amount of revenue as is the system of raising that revenue through licensing the sale of liquor, which plan takes from the consumer of the liquor a sum of money out of all proportion to the small amount which finds its way into the municipal treasury. Municipal bodies would find little difficulty in meeting the conditions created by such a change as prohibition would cause.

### THE PROVINCES.

As to the provinces, it must be borne in mind that several of them derive no revenue from the liquor traffic. But all of them are put to heavy expense by the evils of which the traffic is the most productive cause.

Details in regard to this matter for all the provinces are not easily accessible. But as is shown by a statement already set forth in this report, the latest and most reliable statistics available give an estimate that of the total expenditure for the administration of justice, penitentiaries, prisons, reformatories, asylums and like institutions, $2,743,879 is fairly chargeable to the liquor traffic. This expenditure would be materially curtailed by any change that would improve the prosperty, sobriety and morality of the people.

### THE DOMINION.

The chief revenue consideration is that which pertains to the Dominion Government. The gross revenue derived by the Dominion from excise and customs duties on intoxicating ilquors, including manufacturers' licenses and a duty on malt produced and materials imported by liquor manufacturers annually, averages about $7,101,557.22.

No doubt prohibition would immediately involve the loss of a large proportion of this revenue, and the Government would have to devise some plan of replacing it. In this connection the following facts are worthy of consideration:—

1. That the liquor traffic affects injuriously the sources of public prosperity. It is directly and indirectly in irreconcilable antagonism to all the means and ends of the public welfare.

2. The amount ($39,879,854) annually spent for liquors is so much withdrawn from the national wealth. Were that all, and these millions simply lost, the burdens arising from the traffic would be light compared with what they are. But the host of evils resulting from the traffic impose other burdens on the country many times greater than the original expenditure.

It is not strange that in view of this enormous waste the present Finance Minister should have, some years ago, made the strong statement, that the money spent in intoxicating liquors during the previous fifteen years would have defrayed all the cost of government, built every mile of Canadian railway, and left us without a shadow of a national "debt."

Statistics, so far as they are available, support the statement just quoted, and yet no statistics more than remotely approximate the truth on this subject. The

humane and reflective mind must see in these things worse evils than taxation, and worse relations to the public welfare than that of pecuniary cost.

The statistical statement, set out in detail on page 85, based on the conservative estimates of competent authorities, and taking no account of the cost of collecting the revenue, but only of the charges made upon the country by the liquor traffic, and of the revenue it yields in return for the rights and privileges granted it, shows that the liquor traffic costs the country, in public charges and losses of various kinds, $143,258,716; and that it pays into the public treasuries, in various ways, $8,473,316; causing a net loss to the country of $134,785,400.

4. In view of the foregoing facts, it is clear that legalizing the liquor traffic, as a revenue-producing institution, is neither wise nor economical; it is indeed, most unwise, extravagent and wasteful. The larger the revenue derived from it the less the real prosperity of the country present and prospective. Increase of liquor revenue indicates increased absorption of wages in drink, decrease of expenditure for other and useful things, and a corresponding increase of the non-producing and dependent classes, and of the public and private expenditure on their account.

5. If the liquor traffic were prohibited the increased wealth and prosperity that would result would no doubt mean an increased consumption of the articles that are dutiable.

The evidence of a number of well informed persons presented this fact in a striking light, showing the enormous waste caused the country by the liquor traffic, and the marked advantages that would result from its abolition.

Mayor Kennedy, of Toronto, the head of a large business house, said it is a mistake to say, as is often said, that hard times are caused by over-production of different kinds of goods. He said: "I think the difficulty is not in the over-production, but in the under-consumption. If I visit any of the homes of mechanics I do not find that they have too much furniture and clothing, or things of that kind. I think the country would be enriched if a prohibitory law were in force, because then the means that are now used for strong drinks would be available for other and useful and practical purposes for the benefit of the country."

Asked about the manner of making up the loss of revenues of the Dominion which would be caused by a prohibitory law, he said:—"After enacting such a law the country will still retain its strength, its resources and its wealth. These would not be diminished by a prohibitory law; and whatever means the government might adopt to raise the revenue, whether by direct taxation or otherwise, the same resources are available; and the country, instead of being impoverished by a prohibitory law, I consider will be in a measure enriched."

The late Mr. W. H. Howland, ex-mayor of Toronto, and who had also been president of the Toronto board of trade, president of the corn exchange and president of the Dominion board of trade, gave very important evidence before the commission. Asked to state his views on the financial side of the question of prohibition, he said:

"I would say shortly that the ability to pay taxes depends altogether on the wealth of the community, no matter in what shape the taxes are levied, no matter whether they are collected by customs or inland revenue or by direct taxation. In the case of goods paying customs duty and inland revenue, if the people have not got the money they have simply to do without the things altogether. It always comes to the same thing,—the taxes really come out of a man's pocket. Now if people have the means they can pay. For instance, it is not easy to pay taxes when times are hard, I feel it hard to pay my taxes this year, because I am not so flush as in ordinary years. * * * The inability of the country to pay taxes, and the hard times that come upon us periodically, I believe result from the sweeping of such an immense volume of money into the channels of an unproductive trade. For instance, take the workingman. If he drinks two glasses of beer a day at five cents each, he will spend annually $36.50. That $36.50 represents about 45 gallons of beer, which beer is produced from about $3\frac{3}{4}$ bushels of barley. At the present price of barley, 40 cents per bushel, the farmer gets $1.50, and that is all he gets out of the $36.50, that the workingman pays for the forty-five gallons of beer. Of course

there are other articles that go into the beer, but I am speaking broadly of the profit made by the farmer on the one hand, and the brewer, the distiller, and the saloon-keeper on the other hand. The workingman pays $36.50 for the product of $1.50 worth of barley, supposing that he takes two glasses of beer a day, which is as little as any man drinks who drinks at all, as a rule. Now, that $36.50, with the exception of a very small expenditure for labour and a few other things that go into the manufacture, represents a drawing out of the community into an unproductive trade, and away from productive labour and productive employment, of that whole sum. * * * The percentage of labour is exceedingly small in the production of that $36.50 worth of beer, extraordinarily small, in fact, when you come to work out the percentage. They may give you the volume of the output, the amount paid in labour, the number of men employed, and one thing and another, but when you come to put the whole outlay against the 3¾ bushels of barley, or the 45 gallons of beer that the working man will drink in a year, you will find it is an infinitesimal amount. Now, if that $36.50 were applied by the workingman to the purchase of food that the farmer has to sell, the wool and other things that he grows, the products of the manufacturers, I believe that the country would enjoy a state of prosperity that we cannot possibly obtain under any other circumstances.

"Suppose that prohibition became law, and the workingman did not spend this $36.50 for beer, it would be available, and would be spent in needful articles for his home. The bread, the butter, the cheese, the meat, the vegetables, the woollen clothes that it could purchase, are all directly or indirectly the produce of the farm. If we allow the manufacturers and dealers in these articles 40 per cent of their selling price for their profits, the farmer would still get $21.90 and the traders have $14.60. But it must be noticed that the workingman would have something to show for his money, food in his cupboard, clothing for his family to the full value of $36.50. At the same time, we must remember that the farmer has sold his barley; but instead of selling it to the brewery he has exported it either in grain or changed to beef, and has received the $1.50 for it all the same,—but with this difference, that now the money to pay him has come to Canada from abroad, and the country has in it $1.50 more than it would have if the workingman had drunk that barley in the shape of beer. Now, turn the subject in another way. According to Mr. Foster's statement, there is something over 21,000,000 gallons of liquor drank, that is to say, taken out for consumption for a year. I think he values that—I am speaking from memory—at nearly $32,000,000 as the cost to the consumer. Now, he does not take any account of the watering of proof spirits, of the amount of stuff that is manufactured in one way or another under the name of liquor. We are safe in saying that the original product has extended itself many times before it gets into the hands of the consumers, and I think that there is no doubt that the country spends at least $50,000,000 in drink yearly, and all that $50,000,000 is just the same as thrown into the water, except the small amount paid for the grain, for labour, and in some other small items. With these exceptions, that money is entirely wasted. If that $50,000,000 were employed in productive ways, I believe there would be a basis for any additional amount of taxation which would be required to make up the loss of the seven or eight million dollars which are now derived in revenue from the liquor traffic. The prosperity which would naturally come, and must come, from the expenditure of this money in various productive trades and occupations, must immensely increase the taxable capacity of the country. I should not be afraid as Finance Minister to undertake to provide for the loss of that amount of revenue in a community which had saved from actual waste a sum approaching $50,000,000."

The position taken by the gentleman quoted was strikingly illustrated in Father Matthew's time in Ireland. The consumption of liquor was reduced from 12,000,000 gallons to 4,000,000 gallons. But the revenue did not suffer diminution. It was, instead, increased by the purchase and use of greatly more home necessaries and comfort. (See Vol. 4, Part II, Q. 15967*a*).

In earlier years prohibition of the liquor traffic was urged almost wholly as a temperance measure. But in late years much attention has been given to the traffic

in the light of political economy; and to deal with it is now very generally regarded as a necessary financial reform.

As showing this, the following opinions, which because of their source are especially deserving of consideration, are submitted:—

"Gentlemen, you need not give yourselves any trouble about the revenue. The question of revenue must never stand in the way of needed reforms. Besides, with a sober population, not wasting their earnings, I shall know where to obtain the revenue."—*W. E. Gladstone.*

"After a succession of unfavourable seasons in the greater portion of the United Kingdom, the produce of the land has, during the present year, been for the most part abundant and trade is moderately active. The growth of the revenue is sensibly retarded by a cause which must by itself be contemplated with satisfaction. I refer to the diminution in the receipts of the exchequer from the duties on intoxicating liquors."—*Queen's Speech from the Throne*, 1883.

"No way so rapid to increase the wealth of nations, and the morality of society as the utter annihilation of the manufacture of ardent spirits, constituting as they do an infinite waste and an unmixed evil."—*London Times.*

"If the revenue diminishes from increased habits of temperance, the amount of wealth such a change would bring to the nation would utterly throw into the shade the amount of revenue that is now derived from the spirit duty; and we should not only see with satisfaction a diminution of the revenue from such a cause, but we should find in various ways that the exchequeur would not suffer from the losses which it might sustain in that direction."—*Sir Stafford Northcote, Chancellor of the Exchequer.*

"After having had a good deal to do with the question of revenue and the raising of taxation, I am quite prepared to assert before this audience to-night that the finance minister who should suceeed, by prohibiting the traffic in intoxicating liquors, in restoring $16,000,000 now lost to the people of this country, and wholly wasted—the finance minister who should succeed in doing that and should also save the indirect loss that arises from the injury that is done society by it—I say he will have no difficulty whatever in raising the sum of money which appears in the first instance to be lost to the revenue. There can be no doubt whatever about it."—*Sir A. T. Galt, G.C.M.G., Finance Minister*, 1867.

"It has been my misfortune, or fortune, having been a great many years in the government of my native province, New Brunswick, and in the government of the Dominion, to hold the post of Finance Minister in all these governments, and I have never had but one opinion about the revenue question, namely, that it is of quite secondary importance, though it is, I admit, a more difficult thing with you. The revenue we obtain in the Dominion of Canada is probably five or six millions of dollars a year, and it costs twenty million dollars to provide it for us. No finance minister would remain in office who would, in this day, propose a scheme for raising a revenue of $5,000,000 that would cost $20,000,000 to collect."—*Sir Leonard Tilley, K.C.M.G., Finance Minister*, 1873, 1878-85.

"I do not believe that there a great many people in this country who would not be prepared for the statement that the Hon. Finance Minister then made. There are not a great many people in this country who would not fully understand that, although direct receipts from this traffic would certainly be expunged from our revenue, still the improvement in the general commerce of the country, the improvement in the general welfare and well-being of our community, would be so great that the receipts in all other branches of our revenue would be increased correspondingly, and there would practically, after the first year or so, not be any diminution whatever in our revenue from our tax payers.—*Hon. George E. Foster, Finance Minister*, 1888–1895.

In January, 1894, Hon. George E. Foster, being asked if prohibition would not seriously effect the revenue of the Dominion now largely raised from a tax on liquor, replied: "Personally, I have no doubt, and never had any, that if the waste and

ruin entailed by drink were done away with, the country could well afford to pay three times the amount in another way."

While not presuming to deal with the problem which must of course be solved by the finance department of the Dominion, your Commissioner may be permitted to call attention to a suggestion made in the evidence presented to your Commission as to a probable important source of revenue from the liquor traffic that would remain to the government after the enactment of prohibition.

It is not anticipated that the operation of a prohibitory law would immediately abolish the consumption of intoxicating liquor. There is at present a large amount of alcohol used for other than beverage purposes. The use of this liquor would still continue, and to the extent to which that use remains the government would have available a source of revenue from excise and customs duties.

Certain prohibitionists have expressed the desire that whatever importation and manufacture of alcohol may be permitted under prohibition should be carried on directly under the direction of the government, by salaried officials, so that there would be dissociated from this traffic any possibility of personal advantage by any increase in its volume. The liquor traffic is generally admitted to be a very profitable business. Under the proposed plan, the whole of the profit derived would become a part of the national revenue. It has also been suggested that the price of liquor under the proposed new system might be made very much higher than at present.

From what has been said it is easy to see how, say, one-fourth of the present liquor consumption might be made to yield almost as large a revenue as the government derives from that traffic at present.

### VOICE OF THE TRAFFIC.

While there are differences of opinion as to the effectiveness of prohibition and the results of the experiments dealt with in this report it is worthy of consideration that, as is shown in the evidence given before the Commission, the friends of the liquor traffic, that is those who desire to have that traffic continued, and who object to its suppression, are those who have opposed and resisted all the different forms of restriction described. Whether or not these laws have prevented, to any extent, the sale and consumption of liquor, it is certain that they have been strenuously opposed by those who do not wish to see that sale and consumption interfered with.

At present there is practically no such thing, even by those engaged in the traffic, as advocacy of what might be called free trade in liquor. It is universally considered a business that must be dealt with by special legislation. Those who are opposed to prohibition now generally advocate, as an alternative measure, high license.

If suppression of the liquor traffic to the utmost extent possible is conceded to be for the benefit of the community, then there must be expected a struggle between the liquor traffic resisting limitation and those forces which aim at limitation. The system of dealing with the liquor traffic which meets the approval of that traffic is not likely to be the most effective kind of limitation. These facts must weigh in connection with the indisputable evidence that the liquor traffic opposes prohibition and favours high license, while as a rule those moral reformers who are most earnest in their effort for the promotion of temperance favour prohibition and oppose high license.

Against the declarations in favour of high license and against prohibition from those persons interested in the perpetuation of the traffic may be put the declarations of organizations admittedly favourable to temperance free from self-interest, and desirous only of securing the best efforts of promoting reform and mitigating the terrible evils that result from the liquor traffic.

### THE VOICE OF THE CHURCH.

The Christian church, in all its branches, recognizes the great and widespread evils of the liquor traffic, and, in one form or another, protests against it and seeks to minimize its evil power.

The various church courts in Canada have made numerous deliverances on the subject.

The pastorals of the archbishops of the Roman Catholic church have contained many and earnest warnings to their people against the evil power of the drink habit, and frequently against the common traffic in intoxicants. Many of the priests are enthusiatic advocates of total abstinence; they pledge large numbers of their people, and carefully watch over them to protect them from becoming victims of their own appetite and the greed of the drink-sellers. That they recognize the great danger of the legalized traffic is shown by the extent to which their influence, especially in the province of Quebec, has prevented the issue of licenses. That of about nine hundred municipalities in that province about 300 have prohibition of the liquor traffic either by local option by-laws or by refusal to grant licenses, is due almost entirely to the influence of clergymen of the Roman Catholic church.

The Church of England, by such of its chief pastors as Archbishop Lewis, Bishop Bond, Bishop Baldwin and others, expresses disapproval of the liquor traffic and the desire to restrict its bad power.

The deliverance of the chief courts of several denominations have been presented to the Commission, and are printed as appendices to the report.

A summary of some of them, showing their character, is given here.

The New Brunswick synod of the Church of England, at its session in 1885, adopted the following resolution:—"Resolved, that this synod recognizes the evil of intemperance as one of the greatest obstacles to the spread of Christ's Kingdom; and further resolved, that in the opinion of this synod, the Church of England should be found in the front ranks in the contest against this gigantic evil, and that the clergy and laity of this diocese be called upon resolutely to oppose the evil, and to encourage every legitimate effort to suppress it."

In 1886, and again in 1890, the synod reaffirmed the resolution.

The Reformed Episcopal Church is very pronounced on the subject. The synod, held in Oshawa, Ontario, in June, 1894, adopted the following resolution:—

"That whereas the traffic in strong drink is responsible for the intemperance to which is traced a large proportion of the crime, disease, insanity and social disorders that afflict and disgrace the community; and whereas all efforts to remedy these evils by moral suasion have been comparatively ineffective. Therefore, be it resolved that, in the judgment of the synod, a law providing for the total prohibition of the sale of intoxicating liquors for other than medicinal purposes should be enacted by the legislative authority having the power; and we further urge the members of our church to use their moral and political influence for the accomplishment of this desirable legislation; and be it further resolved, that we express our hearty approval of the prohibition convention to be held in Montreal in the month of July, and that four delegates be appointed to represent this synod at that meeting."

The Methodist Conference of Canada, at its last session, adopted a report on temperance and prohibition, of which the following is a part:—

"That the attitude of the Methodist church has ever been one of antagonism to the traffic in strong drinks.

"That the rules and discipline of the church explicitly forbid the use of intoxicating liquors for beverage purposes, declaring that 'drunkenness, buying or selling spirituous liquors or drinking them, unless in case of extreme necessity,' is doing harm, and is placed in the same category as profanity, Sabbath-breaking, and the buying and selling men, women and children for the purpose of enslaving them.

"That the liquor traffic of to-day is the greatest stumbling block in the church's progress, is fraught with untold evils to humanity and spreads desolation over the length and breadth of our fair Dominion.

"That the efforts put forth by the governments to restrain, by license laws, this cyclone of destruction, have failed in their purpose; be it therefore,

"Resolved, (1.) That we are unalterably opposed to all efforts to regulate the liquor traffic by taxation of license, high or low. These afford no protection from its ravages, but on the other hand entrench it on the commonwealth, throw around it an artificial garb of respectability, and make the people partakers of and responsible

for the evils resulting therefrom. 'It is impossible to legalize the liquor traffic without sin.'

"(2.) That we declare the complete and immediate prohibition of the manufacture, importation and sale of alcoholic liquors for beverage purposes to be the duty of the civil government.

"(3.) That this is one of the great questions in regard to which christain men are obligated by their profession to rise above all questions of expediency or personal and party interests, and so to use their moral influence and their franchise as to contribute to the overthrow of a traffic that is evil, only evil, and evil continually."

The Baptist convention of the maritime provinces, in 1890, adopted the following resolution:—

"Whereas, the traffic in intoxicating liquor is a recognized evil, producing a large proportion of the poverty, suffering, disorder and crime in our Dominion, and unnecessarily adding much to the taxes of our people; and, whereas, we believe that a law enacted by the Dominion Parliament prohibiting the importation, manufacture and sale of all alcoholic liquors, except for use in medicinal, mechanical and sacramental purposes, and containing ample provision for its strict enforcement by the proper authorities, will greatly diminish these and other evils, and largely increase the prosperity and promote the health, peace and morals of our country, it is therefore resolved, that in the opinion of this convention, it is now the duty of the Dominion Parliament to enact such a prohibitory law."

Like position is taken by the Baptist denomination in Ontario and the Northwest and British Columbia.

The Congregational Union of Ontario and Quebec adopted the following resolution at its meeting in 1892:—

"Resolved, that as ministers and delegates we are in a position to feel the pulse of the best sentiment of our Dominion, that is gradually moulding public opinion; and we feel that the tax-paying and thinking element of the Dominion would be glad of prohibition of the liquor traffic, enforced by officers who are willing to enforce the expressed wish of the people. We thank those representatives in Parliament who were firm in demanding immediate prohibition in accordance with our resolution of last year."

The Reformed Baptist Church of New Brunswick and Nova Scotia adopted the following at the annual session of its alliance in 1891:—

"Resolved (1.) That this alliance declares the liquor traffic to be an unmitigated curse to every nation or country that gives it license.

"(2.) That we declare ourselves fully committed to the principle of its entire prohibition.

"(3.) That we most emphatically declare ourselves opposed to the whole license system, under whatever political party it may be worked.

"(4.) That hereafter, as individuals and as a christian body, in the use of our elective franchise, whenever possible, we will not knowingly, for any reason whatever, cast our votes for any man who will not incorporate into his political platform the principle of the entire prohibition of the liquor traffic."

The Free Baptist conference of Nova Scotia adopted the following in the session of 1893:—

"Resolved, that it is neither right nor politic for the state to afford legal protection and sanction to any traffic or system that tends to increase crime, to waste the national resources, to corrupt the social habits, and to destroy the lives and health of the people * * * That the total and immediate prohibition of the liquor traffic is the demand of righteousness, the pressing claim of humanity, and the crying need of home and country.

"That we again urge upon all, by both voice and vote, to maintain our first and only position as Free Baptists, in regard to the world's deadliest curse, and the church's persistent foe, and to be satisfied with nothing less than the entire and total suppression of the traffic of shame, misery and death."

The Presbyterian general assembly of Canada, at its last session, adopted a report containing the following:—

"That this assembly, having heard with gratitude that the lower courts of the church so fully recognize the earnest and faithful preaching and teaching of the Word of God as the principal factors in the temperance reform, and that their importance, especially as they bear on the evils of strong drink, is of late years being more strongly emphasized with good results, urges all its ministers to give increased prominence to sermons on temperance, and all its Sabbath school teachers to use the many opportunities they have to instruct their classes in sound temperance principles.

"That this assembly, having heard the unanimous and vigorous denunciation given by so many sessions and presbyteries in all parts of the Dominion of the saloon or dram shop, and deploring the large number of them that are reported as plying their demoralizing traffic in so many centres of population, desires to place on record its unqualified condemnation of the saloon or dram shop, as a centre of most degrading influences, and a source of great danger to the church and country, and its conviction that the license system has been proved insufficient to effectually remove the terrible evils of the drink traffic, and that so far as legislation is concerned, nothing short of prohibition, rigidly enforced by proper authorities, should ever be accepted as final or satisfactory."

The Free Baptist conference of New Brunswick, in the session of 1890, adopted the following report:—

"The position of the denomination declared in church covenant, by oft-repeated resolutions of conference, from the pulpits, and in the organ of the body, is:—

"(*a.*) That every Free Baptist church member is a pledged total abstainer from intoxicants.

"(*b.*) That every member must give the help of his positive influence to the temperance reform, and further the movement for prohibitory legislation by every means in his power.

"(*c.*) That it is the duty of every Free Baptist minister to give earnest advocacy from the pulpit and platform, and in every way open to him, to temperance and prohibition.

"(*d.*) That moral sympathy and support, and the persanal help and influence of all its members, are pledged to officers of the law and others who are endeavouring to enforce the Canada Temperance Act.

"(*e.*) That it is the duty of all good men, rising above selfish and party considerations, to give their support only to such candidates for representative positions as guarantee, by their character and pledges, that they will advocate and support advanced temperance legislation.

"In political action we know no party as such. We are against any and every form of legalizing the deadly traffic; we desire its utter and absolute prohibition. And we are for whatever party or union of parties will soonest secure such prohibition. We do not advise our people to support this party or that party, but to support, irrespective of party, men who are out-and-out prohibitionists. * * What we want is not the triumph of one party or another as such, but the triumph of christian conscience in the delegalization and utter suppression of the hideous, hateful thing, which, established in our midst, makes such ghastly havoc.

"Reaffirming, with all possible emphasis, the position taken by the conference from year to year on this subject, we again declare that the attitude of the Free Baptists is that of uncompromising opposition to the drink traffic, to every form of its legalization, and to every politician or other person who gives it any support or countenance; and that we are pledged, in the most solemn manner, as a denomination and as individuals, to do everything in our power to secure prohibition."

These several denominations, not only in their chief courts, but in provincial and district meetings and associations, repeat, year after year, and with increasing emphasis, their protests against the liquor traffic and their prayers for its legal prohibition.

ENFORCEMENT.

To properly consider the "capability of efficient enforcement," of a prohibitory law it is necessary that "efficient enforcement" should be defined. If efficient enforcement is to be understood in the sense of absolute enforcement, then it will at once be replied that no law is absolutely enforced.

Liquor laws of all classes are remarkable for the extent to which they are ignored. This has been shown, by the evidence submitted to your commission, to be strikingly true of all licensing and regulative laws. The liquor traffic, as has been shown, is especially lawless and law-defying. In carrying out such laws there is also the hindrance that all the parties cognizant of the offences are likely to be hostile to the law against which the offence is committed. The men who are harmed by the violation of the liquor laws are themselves desirous of the violation and willing to submit to the wrong. From these conditions come the special difficulties of enforcing all kinds of liquor laws. Many witnesses urged, with much force, that these considerations make especially desirable a thorough-going law of total prohibition as the kind of liquor law most capable of efficient enforcement, being hampered by the fewest of those conditions which facilitate law breaking.

It will also be admitted that a number of failures in the attempt to attain a certain result do not establish the impossibility of attaining that result. The effort may have been hampered by conditions which do not everywhere exist, or which may be removed. If it can be shown that, under any circumstances, prohibition has been effective, then there is a demonstration that under favourable circumstances prohibition is capable of efficient enforcement.

It is impossible, as has already been said, to consider the evidence that has been submitted to your Commission and the facts which have come under the direct observation of your Commissioners without coming to the conclusion that in many cases and many places prohibitory laws have been in force to such an extent as to abolish the common sale of liquor, in other cases to bring liquor consumption within much smaller limits than those within which it was previously, and generally to produce results very desirable and beneficial from the standpoint of sobriety, morality and material prosperity.

If it is admitted that a lessening of drinking, drunkenness and crime through the enforcement of prohibitory law are satisfactory evidence of what may be called "efficient enforcement," then the overwhelming weight of evidence recorded shows that prohibition has been efficiently enforced. That it has been efficiently enforced is proof that it is "capable of efficient enforcement."

The difference between the prohibition which the advocates of this reform seek and the prohibition which its opponents set up as an ideal and declare to be unattainable is strongly stated in the following by Wilber F. Crafts:—

"Prohibition, the opposite of permission, is not a synonym of annihilation. Those who say 'prohibition does not prohibit'—a self-contradictory proposition—mean that prohibition does not annihilate. This is manifestly true of all kinds of prohibition in this world—those of the divine government, of family government and of civil government alike. Prohibition does not annihilate, not even when it forbids murder, adultery, theft, false witness and Sunday work. If a threefold alliance of man, woman and devil, to break a prohibitory law and then hide away from justice, proves the law a 'blunder,' what is to be said of the first prohibition given to man by God himself, in Eden? If prohibition is a 'failure,' when it does not at once destroy the evils which it forbids, then the prohibitory law of Sinai is the masterpiece of failures.

"Prohibition does not define accomplishment, but only the aim and attitude of government towards wrong. License is a purchased truce—sometimes a surrender; prohibition is a declaration of war. License is an edict of toleration—sometimes a certificate of 'good, moral character'; prohibition is a proclamation of outlawry. As murder, adultery, theft, false witness and political corruption are outlawed, the ringleader of this 'gang' ought also to be outlawed. The first requisite of the law is justice. A law that sanctions wrong is no law at all, but legislative crime. It is

not 'public sentiment' but public conscience out of which law should be quarried. Law is an educator. Duelling, and smuggling, and liquor-selling were once in the 'best society.' Gradually the law has made them disreputable. Rum-selling in Maine is a sneaking fugitive, like counterfeiting—not dead, but disgraced, and so shorn of power.

"Prohibition of the liquor traffic is more than a standard or a flag to mark the height to which we are marching. No other kind of prohibition has had greater victories. In Maine children grow up without ever seeing a drunken man. In most parts of Kansas and Iowa the law against the saloon is as effective as the law against the brothel or the burglar. To this fact testify a great company of witnesses—governors, senators, congressmen, pastors, physicians, manufacturers—against whose evidence scarcely a witness can be brought in rebuttal. The liquor dealers have saved us the trouble of summing up this testimony. Their statement, that more liquor is consumed under prohibition than without it, is cancelled by actions that speak louder than words, by efforts, at great cost, to defeat prohibition wherever it is proposed. If, while cancelling their license fees it really increased their sales and so gave them double gains, as they are sometimes able to make even christian people believe, they would hardly fight so helpful a friend."

Before leaving the question of efficient enforcement, the following points may be mentioned.

Nearly every experiment of prohibition inquired into was marked in more or less by a lack of enforcing power in the hands of favourable and efficient officers, clothed with sufficient authority. For this reason, the results in some cases, though sufficient to commend prohibition to the favour of the people, were not as uniformly good as they might have been.

It has been shown that where prohibition is in operation there has been perjury, on the part of those who sought to save themselves or their friends from the penalties of law violation. It has also been shown that, according to the opportunities offered, perjury has been quite as common in cases of infractions of license laws. If in any place this offence has been more manifest under prohibition, it has been simply because there has been more honest attempts to enforce prohibition than to enforce the restrictive and prohibitive conditions of license laws. This deplorable evil must be set down as the result of the lawlessness and degrading influence of the liquor traffic, and really constitutes an argument for the suppression of the traffic.

The prohibition advocated in Canada, viz., the total prohibition of the manufacture, importation and sale of intoxicating liquors for beverage purposes—is a more complete and effective form of prohibition than any which has yet been in operation. No such prohibition was examined into. No experiment in prohibition was investigated that was not trammeled by the evil of more or less free importation. The nearest approach to such prohibition system was that existing some years ago in the North-west Territories, and it is well worthy of note that that rigid enactment met with almost universal approval, that the early operation of the North-west law is even more heartily commended, and that the condemnation of it, sometimes heard, is the condemnation of the broken-down and mutilated condition to which it was reduced by the administration in later years.

Important evidence, well worthy of consideration, was given before the Commission, showing that under a law of total national prohibition there would exist conditions specially unfavourable to smuggling contraband liquor into the country, making such smuggling even more difficult than it is at the present time, and, therefore, lessening the interference with prohibition that might be supposed to be caused by the long frontier line of the Dominion.

## V.

The instructions given the Commission asked, in the fifth place, that there should be set out "all other information bearing on the question of prohibition."

Under this head your Commissioner desires to say that it has been clearly demonstrated that the liquor traffic is a public enemy. Those engaged in it, and its friends generally, admit its dangerous character, as witness their willingness to have it restricted.

It has been sought for many years, in many countries, to create a sense of security by various legal limitations of the traffic. The futility of these restrictions to change the character of the traffic or to lesson its evil effects is proven by its thousands of victims and by its damaging influence on industries and business generally.

Its character is such that parleying and half-way measures have had, and can have, no effect, except to entrench it more strongly. A public enemy, it should be treated as such.

Government is instituted for the peace, safety and prosperity of the people. The protection of the possessions, rights, industries and virtue of the people from the lawless and mischievous is the duty of government. Each statute is, in more or less, a protective prohibition. And the whole administration of law involves the practical application of restrictive prohibitory legislation.

Justin Edwards says:

"1. Society has a right to protect itself. This clearly extends to everything where injury or wrong would be done. Society would cease without this right.

"2. Society should not by its laws protect evil.

"3. Society should not undertake to regulate evil by law; its business is to remove it.

"4. Society has a right to take efficient means to prevent or remove evil. Its discretion is ample.

"5. Society has a right to prevent or remove evil by destroying private property or rendering it valueless, if necessary."

It having been shown that the liquor traffic is a most serious interference with the rights and interests of the country, diminishing the products of its industries, lessening its industrial ability, injuring every branch of necessary business, perpetuating and increasing the vicious and dependent classes, and hostile in every respect to the public welfare, it is the plain duty of Parliament to prohibit it.

As showing the growth of Canadian public sentiment on this question, and the steadily increasing emphasis of the demand for the prohibition of the liquor traffic, the following summary of the history of the prohibition movement in Parliament up to the present time is presented for your consideration:

Early in the history of the Dominion many petitions for the enactment of a prohibitory law were presented to both houses of Parliament; and the debates and proceedings from time to time show that legislators recognized the strength of this demand and the importance of the question therein raised.

In the year 1873 the number of such petitions was very great. In the House of Commons that year, on motion of Sir John A. Macdonald, a committee was appointed to consider such petitions. The committee subsequently requested a grant of money, to be expended in analyzing liquors with a view to ascertaining the extent to which adulterations were practised. The grant was made. Later, the same committee presented a report, which was printed, containing a strong declaration in favour of total prohibition.

In 1874 many more petitions were presented. The House of Commons again appointed a committee to consider the question. This committee reported, recommending that steps be taken to obtain information about the working of prohibitory laws in the United States. The recommendation was adopted by the House of Commons, and after the close of the session a royal commission was appointed, which

made an investigation of the subject committed to it and presented a careful and comprehensive report.

The agitation was kept up. In 1875 the number of petitions presented was very great. Mr. G. W. Ross moved to have the House of Commons resolve itself into a committee of the whole to consider a resolution in favour of the enactment of prohibition as far as was within the competence of Parliament, as soon as public opinion would efficiently sustain such legislation. Dr. Schultz moved an amendment declaring that it was the duty of the Government to introduce a prohibitory measure at the earliest moment practicable. Mr. Oliver moved in amendment to the amendment, that the House go into committee of the whole to consider means to diminish the evils of intemperance. This amendment was adopted. In committee of the whole, Mr. Ross moved a resolution declaring that the most effective remedy for the evils of intemperance would be a law of total prohibition. An amendment was offered by Mr. Bowell, declaring it to the duty of the Government to propose such a measure. The committee decided in favour of the motion offered by Mr. Ross, and reported the same to the House. No action seems to have been taken upon this report.

The following year, on motion of Mr. Ross, the House adopted an address asking for the submission of correspondence relating to the question of the jurisdiction of the Dominion Parliament, and the decisions of different courts in relation to the same. The address was adopted.

The return asked for was presented in 1877. The same session Dr. Schultz moved a resolution declaring it to be the duty of the Government to submit to Parliament a prohibitory law as soon as practicable. An amendment was offered by Mr. Ross, stating that whereas grave doubts existed in reference to the question of jurisdiction, and a case involving such question was before the courts, it would be inexpedient to express an opinion as to the duty of the Government in the matter. This amendment prevailed.

In 1878 the petitioning continued. Requests were made for total prohibition, for the amendment of the Dunkin Act, and for other legislative measures. In that year Parliament dealt with the question by the enactment of the Canada Temperance Act, which measure is frequently referred to in the present report. It seems to have been accepted by prohibitionists at the time, and steps were immediately taken to secure the adoption of it in many localities.

Two Acts were passed in 1879 for the amendment of the Canada Temperance Act.

In 1880 Mr. Boultbee carried through the House of Commons a bill to amend the Canada Temperance Act by providing that its adoption should require an affirmative vote of a majority of the electors on the voters' lists of the county or city affected. The measure, however, failed to pass the Senate, and did not become law.

In the session of 1880-81 the House of Commons voted to close the bar for the sale of liquors and to exclude from the House of Commons' refreshment room, all strangers not accompanied by members of the House. Mr. Boultbee again introduced his Scott Act amendment bill, which was again defeated.

Many petitions were presented in 1882 against any weakening of the provisions of the Scott Act, and asking for the enactment of total prohibition. A return was laid before the House of the sales made under the Canada Temperance Act by authorized druggists and vendors. Similar returns were laid before the House in subsequent years.

During the session of 1883 the House of Commons was officially informed of the judgment of the Privy Council in the case of Russell, and it was urged that the Dominion Parliament had exclusive control of legislation dealing with the liquor traffic. A bill providing for the issue of licenses and the regulation of the liquor traffic was introduced and passed. This measure was generally known as the McCarthy Act. It was subsequently declared *ultra vires* of the Dominion Parliament.

In 1884 a measure was enacted amending the McCarthy Act. The McCarthy Act was referred to the Supreme Court, and to the Judicial Committee of the Privy Council, for an expression of opinion as to its constitutionality. In the same year Mr. Geo. E. Foster moved the following resolution :—

"That the object of good government is to promote the general welfare of the people by a careful encouragement and protection of whatever makes for the public good, and by equally careful discouragement and suppression of whatever tends to the public disadvantage.

"That the traffic in alcoholic liquors as beverages is productive of serious injury to the moral, social and industrial welfare of the people of Canada.

"That despite all preceding legislation, the evils of intemperance remain so vast in magnitude, so wide in extent, and so destructive in effect, as to constitute a social peril and a national menace.

"That this House is of the opinion, for the reasons hereinbefore set forth, that the right and most effectual legislative remedy for these evils is to be found in the enactment and enforcement of a law prohibiting the importation, manufacture and sale of intoxicating liquors for beverage purposes."

Mr. Thomas White moved to amend the resolution by the addition of the following words:—

"And this House is prepared, so soon as public opinion will sufficiently sustain stringent measures, to promote such legislation, so far as the same is within the competency of the Parliament of Canada."

This amendment was accepted by the House. Mr. Thos. Robertson moved in amendment to the amendment, that the following words be added:—

"And that this House is of the opinion that the public sentiment of the people of Canada calls for legislation to that end."

The amendment to the amendment was defeated by a vote of 107 to 55.

The amended resolution was adopted by a vote of 122 to 40.

In the year 1885 an Act was passed suspending such portions of the McCarthy Act as had been declared unconstitutional by the Supreme Court, pending an appeal to the Privy Council. Many returns relating to the Canada Temperance Act were laid before the House; many petitions relating to the temperance question were received; a number of bills proposing to amend the Canada Temperance Act were introduced, but not passed. One of the most important of these was the bill agreed to by the representatives of the Dominion Alliance and introduced by Mr. Jamieson. It passed the House of Commons, but was returned from the Senate with an amendment exempting beer and wine from the operation of the Scott Act. The House of Commons refused to assent to this amendment, and the bill did not become law. A motion was submitted by Mr. Kranz, declaring that when a prohibitory law would be enacted provision should be made for the compensation of brewers, distillers and maltsters. An amendment was offered by Mr. Fisher declaring that the time when Parliament proceeded to discuss the details of a prohibitory law would be the occasion to discuss the question of compensation. The amendment was adopted by a vote of 105 to 74. Mr. Beatty introduced a bill providing for the severe punishment of excessive drunkards, and another bill aimed against the traffic in spirituous liquors, but favouring the traffic in beer and wine. Neither of these measures passed the House.

A resolution in favour of total prohibition was introduced in the House of Commons by Mr. Jamieson in the session of 1887. Many amendments offered relating to the Canada Temperance Act were defeated. An amendment was submitted by Mr. Sproule declaring in favour of compensation. An amendment to this amendment, moved by Mr. Fisher, similar to that submitted by him in 1885, was adopted. The amended resolution was defeated, the vote upon it being 70 for, 112 against.

In 1888 Mr. Jamieson again introduced a resolution in favour of total prohibition. It was not voted upon. Bills, introduced by Mr. Jamieson and Mr. McCarthy, the amendment of the Canada Temperance Act, were passed.

Mr. Jamieson, in 1889, again introduced a resolution declaring it to be the duty of parliament to enact a prohibitory law. An amendment was proposed by Mr. J. F. Wood, making an additional statement that such prohibition should be enacted when public sentiment was ripe for the reception and enforcement of such a measure.

This was adopted by a vote of 99 to 59. An amendment offered by Mr. Taylor in favour of a plebiscite and compensation was defeated, as was also an amendment by Mr. Mills in favour of a plebiscite. An amendment, offered by Mr. Moncrieff, favouring the exemption of beer and wine from the operation of the Canada Temperance Act, was ruled out of order. Mr. Jamieson's resolution was adopted without a division.

During the session of 1891, Mr. Jamieson introduced a resolution declaring that the time had come for the enactment of a prohibitory law. Mr. Mackintosh submitted an amendment favouring the appointment of a select committee to inquire into the whole question. An amendment to the amendment, moved by Mr. Taylor, declaring that a vote of the electors should be taken before legislation, was defeated. Another amendment to the amendment was moved by Hon. Mr. Foster, declaring in favour of the appointment of a royal commission to obtain for parliament information relating to the subjects of the liquor traffic and prohibition. Mr. Foster's amendment was carried. As the result of this action the present inquiry has been undertaken. Two bills introduced for the amendment of the Scott Act failed to become law.

In 1892 a bill for the amendment of the Scott Act was introduced by Mr. Flint, and passed. A resolution in favour of a plebiscite was introduced by Mr. Charlton, but subsequently withdrawn.

Mr. Flint introduced a resolution in the session of 1894, declaring in favour of prohibition, but it did not reach a vote.

*Conclusions.*—In view of the facts hereinbefore recited, and after a careful consideration of all the evidence taken by the Commission, and of all other information and knowledge obtained, the undersigned respectfully submits the following as his conclusions in reference to the whole subject which the Commission was instructed to investigate:—

1. That the House of Commons of the Dominion of Canada made a right and wise declaration in relation to the subject when it declared, in 187–, "That total prohibition is the right and only effective remedy for intemperance;" that the House of Commons was right in declaring, at the same time, "That this House is prepared to enact such legislation as soon as public opinion will sustain them in doing so;" and that the House of Commons was well advised in reiterating from time to time, as already set out, this declaration.

2. That all the information which your Commission has been able to obtain has made clear to the undersigned that the effect of the liquor traffic has been, and is, seriously detrimental to all the moral, social and material interests of the nation; that the measures employed to "lessen, regulate or prohibit" the traffic have been of value and effective only in proportion as they have approximated, in their operation, to the absolute prohibition of the traffic in intoxicating beverages; and that the revenue requirements of the country should not be considered a reason for the continuance of an admitted evil, and, moreover, could be met without the continuance of that evil.

3. That the endorsement which the electorate of different sections of the Dominion of Canada have given, at the ballot box, to the principle of prohibition, whenever submitted, as well as many petitions, memorials and declaration of church courts, temperance organizations, municipal councils, and other representative bodies, make it sufficiently clear that a majority of the people of Canada are in favour of the total prohibition of the liquor traffic.

4. That it would, therefore, be right and wise for the Dominion parliament, without further delay, to carry out the promise given and give effect to the principle stated in its several resolutions, by the enactment and thorough enforcement of a law prohibiting the manufacture, importation and sale of intoxicating liquors—except for medical, sacramental, and scientific purposes—in and into the Dominion of Canada.

All of which is respectfully submitted.

JOS. McLEOD.

5th April, 1895.

# APPENDICES

## TO THE SECOND REPORT

OF THE

# ROYAL COMMISSION ON THE LIQUOR TRAFFIC

IN

# CANADA

# APPENDIX No. 1.

THE following is a partial statement of the number of prisoners committed to the jails of the province, and those remaining therein at the end of each year:

NOVA SCOTIA.

| —— | Population. | No. admitted. | Ratio per M. | No. remaining at end of year. | Ratio per M. |
|---|---|---|---|---|---|
| 1880 | 435,009 | 692 | 1·59 | 9 | 0·02 |
| 1881 | 440,572 | 913 | 2·07 | 76 | 0·17 |
| 1882 | 441,545 | 959 | 2·17 | 56 | 0·12 |
| 1883 | 442,521 | 812 | 1·83 | 44 | 0·09 |
| 1884 | 443,499 | 1,155 | 2·60 | 70 | 0·15 |
| 1885 | 444,478 | 1,078 | 2·42 | 71 | 0·16 |
| 1886 | 445,460 | 812 | 1·82 | 69 | 0·15 |
| 1887 | 446,446 | 854 | 1·91 | 89 | 0·19 |
| 1888 | 447,432 | 856 | 1·91 | 76 | 0·17 |
| 1889 | 448,420 | 1,006 | 2·24 | 83 | 0·18 |
| 1890 | 449,408 | 1,088 | 2·42 | 76 | 0·17 |
| 1891 | 450,396 | 1,011 | 2·24 | 89 | 0·19 |
| 1892 | 451,389 | 1,039 | 2·30 | 63 | 0·13 |
| 1893 | 452,383 | 1,033 | 2·28 | 67 | 0·14 |

No returns have been obtained from the counties of Annapolis, Inverness, Kings. No proper record kept in Pictou county.

Shelburne: Three persons said to have been jailed in last eleven years for breach of liquor laws, and one for drunkenness.

Victoria: No record obtainable; said that there was an absence of crime during the last decade. Not under the Scott Act.

# APPENDIX No. 2.

THE following is a partial statement of the number of prisoners committed to the jails of the province, and of those remaining therein at the end of each year:—

NEW BRUNSWICK.

| —— | Population. | No. admitted. | Ratio per M. | No. remaining at end of year. | Ratio per M. |
|---|---|---|---|---|---|
| 1880 | 317,479 | 820 | 2·58 | 64 | 0·20 |
| 1881 | 321,233 | 1,040 | 3·23 | 73 | 0·23 |
| 1882 | 321,235 | 1,182 | 3·67 | 61 | 0·19 |
| 1883 | 321,238 | 1,114 | 3·46 | 64 | 0·20 |
| 1884 | 321,241 | 1,099 | 3·42 | 38 | 0·12 |
| 1885 | 321,244 | 963 | 2·99 | 59 | 0·18 |
| 1886 | 321,247 | 974 | 3·03 | 54 | 0·17 |
| 1887 | 321,250 | 830 | 2·58 | 40 | 0·12 |
| 1888 | 321,253 | 816 | 2·54 | 58 | 0·18 |
| 1889 | 321,256 | 907 | 2·82 | 59 | 0·18 |
| 1890 | 321,259 | 1,030 | 3·20 | 70 | 0·21 |
| 1891 | 321,263 | 1,330 | 4·13 | 64 | 0·19 |
| 1892 | 321,267 | 1,364 | 4·24 | 72 | 0·22 |
| 1893 | 321,271 | 1,336 | 4·15 | 51 | 0·15 |

Three counties made returns for the years 1880 to 1892; others from 1883 to 1892, and from 1888 to 1892 only. Three counties reported the number committed only, and only two reported the number remaining at end of the year.

No return from Victoria county.

In a statement furnished by the sheriff of the county of Charlotte the number of commitments to the jail of that county for seven years prior to the adoption of the Scott Act, and for seven years ending 1891, when the Act was in force, with the number of days for which the offenders were sentenced, is given. The figures are as under:—

| | Prisoners. | Days. |
|---|---|---|
| 7 years ending 1884 | 293 | 7,217 |
| 7 do 1891 | 252 | 8,712 |

The population of the electoral district of Charlotte was—in 1881 26,087, and in 1891 23,752.

# APPENDIX No. 3.

STATEMENT showing the number of prisoners committed to the jails of the province and those remaining therein at the close of each year:—

PRINCE EDWARD ISLAND.

| Year. | Population. | No. committed to jail. | Ratio per 1,000 | No. remaining at end of year. | Ratio per 1,000 |
|---|---|---|---|---|---|
| 1880 | 107,299 | 341 | 3·18 | 32 | 0·30 |
| 1881 | 108,891 | 246 | 2·25 | 27 | 0·25 |
| 1882 | 108,909 | 217 | 1·98 | 24 | 0·22 |
| 1883 | 108,927 | 184 | 1·68 | 19 | 0·17 |
| 1884 | 108,945 | 202 | 1·85 | 14 | 0·13 |
| 1885 | 108,964 | 249 | 2·28 | 24 | 0·22 |
| 1886 | 108,983 | 252 | 2·31 | 29 | 0·27 |
| 1887 | 109,002 | 206 | 1·88 | 30 | 0·27 |
| 1888 | 109,021 | 219 | 2·00 | 23 | 0·21 |
| 1889 | 109,040 | 281 | 2·57 | 30 | 0·27 |
| 1890 | 109,059 | 196 | 1·79 | 30 | 0·27 |
| 1891 | 109,080 | 269 | 2·46 | 24 | 0·22 |
| 1892 | 109,100 | 189 | 1·73 | 24 | 0·22 |
| 1893 | 109,118 | 161 | 1·47 | 18 | 0·16 |

# APPENDIX No. 4.

RETURN of prisoners committed to the county jails and the number remaining therein at the end of each year.

QUEBEC.

| —— | Population. | No. admitted. | Ratio per M. | No. remaining at end of year. | Ratio per M. |
|---|---|---|---|---|---|
| 1880 | 1,341,250 | 3,801 | 2·83 | ..... | ..... |
| 1881 | 1,359,027 | 3,340 | 2·45 | ..... | ..... |
| 1882 | 1,371,449 | 3,261 | 2·37 | ..... | ..... |
| 1883 | 1,383,985 | 3,044 | 2·19 | 505 | 0·36 |
| 1884 | 1,396,635 | 3,559 | 2·54 | 564 | 0·40 |
| 1885 | 1,409,400 | 3,397 | 2·41 | 493 | 0·35 |
| 1886 | 1,422,282 | 3,383 | 2·37 | 428 | 0·30 |
| 1887 | 1,435,282 | 3,483 | 2·42 | 557 | 0·39 |
| 1888 | 1,448,401 | 3,973 | 2·74 | 541 | 0·37 |
| 1889 | 1,461,639 | 4,683 | 3·20 | 572 | 0·39 |
| 1890 | 1,474,998 | 3,653 | 2·47 | 503 | 0·34 |
| 1891 | 1,488,535 | 4,175 | 2·80 | 567 | 0·38 |
| 1892 | 1,502,140 | 3,478 | 2·31 | 451 | 0·30 |
| 1893 | 1,515,870 | 3,626 | 2·39 | 451 | 0·30 |

# APPENDIX No. 5.

RETURN of prisoners committed to the county jails and the Central Prison, and the number remaining therein at the close of each year.

ONTARIO.

| Year. | Population. | No. admitted. | Ratio per M. | No. remaining at end of year | Ratio per M. |
|---|---|---|---|---|---|
| 1880 | 1,893,719 | 11,300 | 5·90 | 901 | 0·47 |
| 1881 | 1,926,922 | 9,299 | 4·82 | 770 | 0·40 |
| 1882 | 1,944,889 | 9,620 | 4·94 | 844 | 0·43 |
| 1883 | 1,963,016 | 9,880 | 5·03 | 796 | 0·40 |
| 1884 | 1,981,311 | 12,081 | 6·09 | 952 | 0·48 |
| 1885 | 1,999,777 | 11,426 | 5·71 | 983 | 0·49 |
| 1886 | 2,018,415 | 10,645 | 5·27 | 853 | 0·42 |
| 1887 | 2,037,227 | 11,017 | 5·40 | 971 | 0.48 |
| 1888 | 2,056,214 | 12,454 | 6·05 | 1,076 | 0.52 |
| 1889 | 2,075,378 | 12,531 | 6·03 | 1,027 | 0·49 |
| 1890 | 2,094,721 | 11,810 | 5·63 | 979 | 0·47 |
| 1891 | 2,114,321 | 10,423 | 4·92 | 895 | 0·42 |
| 1892 | 2,134,026 | 9,011 | 4·22 | 810 | 0·38 |
| 1893 | 2,153,915 | 8,619 | 4·00 | 814 | 0·37 |

# APPENDIX No. 6

THE following is a statement of the number of prisoners committed to the jails of the province and those remaining therein at the end of each year:—

MANITOBA.

| Year. | Population. | No. admitted. | Ratio per M. | No. remaining at end of year. | Ratio per M. |
|---|---|---|---|---|---|
| 1880 | 56,843 | 48 | 0·84 | 14 | 0·25 |
| 1881 | 62,260 | 96 | 1·54 | 12 | 0·19 |
| 1882 | 69,592 | 216 | 3·10 | 35 | 0·50 |
| 1883 | 77,788 | 207 | 2·66 | 30 | 0·38 |
| 1884 | 86,951 | 231 | 2·65 | 42 | 0·48 |
| 1885 | 97,194 | 259 | 2·66 | 31 | 0·32 |
| 1886 | 108,640 | 210 | 1·93 | 41 | 0·38 |
| 1887 | 116,267 | 180 | 1·54 | 19 | 0·16 |
| 1888 | 124,429 | 134 | 1·07 | 30 | 0·24 |
| 1889 | 133,164 | 225 | 1·68 | 30 | 0·22 |
| 1890 | 142,511 | 165 | 1·15 | 25 | 0·17 |
| 1891 | 152,506 | 198 | 1·29 | 35 | 0·23 |
| 1892 | 163,213 | 246 | 1·50 | 52 | 0·32 |
| 1893 | 174,669 | 322 | 1·84 | 64 | 0·36 |

# APPENDIX No. 7.

STATEMENT showing the number of prisoners remaining in the Regina jail and in the guard rooms of the Mounted Police at the end of each year for the undermentioned period:—

N. W. TERRITORIES.

| Year. | Population. | No. remaining at end of each year. | Ratio per 1,000 of population. |
|---|---|---|---|
| 1883 | 65,748 | 8 | 0·12 |
| 1884 | 70,957 | 9 | 0·12 |
| 1885 | 76,585 | 13 | 0·17 |
| 1886 | 79,939 | 7 | 0·08 |
| 1887 | 83,429 | 13 | 0·15 |
| 1888 | 87,071 | 22 | 0·25 |
| 1889 | 90,872 | 30 | 0·33 |
| 1890 | 94,839 | 43 | 0·45 |
| 1891 | 98,967 | 47 | 0·47 |
| 1892 | 103,288 | 59 | 0·57 |
| 1893 | 107,797 | 80 | 0·74 |

# APPENDIX No. 8.

THE following is a partial statement of the number of prisoners committed to the jails of the province and of those remaining therein at the end of each year.

BRITISH COLUMBIA.

| Year. | Population. | No. admitted. | Ratio per M. | No. remaining at end of year. | Ratio per M. |
|---|---|---|---|---|---|
| 1880 | 47,986 | 421 | 8·94 | 59 | 1·23 |
| 1881 | 49,459 | 641 | 12·96 | 65 | 1·31 |
| 1882 | 53,007 | 709 | 13·37 | 104 | 1·96 |
| 1883 | 56,769 | 829 | 14·60 | 113 | 1·99 |
| 1884 | 60,797 | 1,395 | 22·94 | 113 | 1·85 |
| 1885 | 65,111 | 1,773 | 27·23 | 172 | 2·64 |
| 1886 | 69,732 | 1,107 | 15·87 | 118 | 1·69 |
| 1887 | 74,681 | 834 | 11·16 | 158 | 2·11 |
| 1888 | 79,980 | 1,093 | 13·66 | 109 | 1·36 |
| 1889 | 86,656 | * | * | 74 | 0·85 |
| 1890 | 91,733 | 836 | 9·11 | 110 | 1·20 |
| 1891 | 98,173 | 1,175 | 11·96 | 138 | 1·40 |
| 1892 | 105,141 | 1,144 | 10·88 | 144 | 1·37 |
| 1893 | 112,604 | 1,104 | 9·81 | 153 | 1·36 |

* NOTE.—No returns for the year 1889.

This return includes the statistics of the three provincial jails, but does not include prisoners in city and county jails, if there are any. The Assistant Attorney General of the province who was appealed to for information, wrote,—

"In reply to your communication asking for further returns in respect to the number of prisoners confined in municipal or other lock-ups, between 1885 and 1893, I beg to inform you that no such returns are available." (July 20, 1894.)

# APPENDIX No. 9.

THE following is a statement of the number of inmates admitted to the provincial insane asylum, and of those remaining therein at the end of each year:—

NOVA SCOTIA.

| —— | Population. | No. admitted. | Ratio per M. | No. remaining at end of year. | Ratio per M. |
|---|---|---|---|---|---|
| 1873 | 397,822 | 74 | 0·18 | 268 | 0·67 |
| 1874 | 402,930 | 67 | 0·16 | 279 | 0·69 |
| 1875 | 408,104 | 114 | 0·27 | 318 | 0·77 |
| 1876 | 413,365 | 88 | 0·21 | 337 | 0·81 |
| 1877 | 418,673 | 94 | 0·22 | 351 | 0·83 |
| 1878 | 424,049 | 93 | 0·21 | 362 | 0·85 |
| 1879 | 429,494 | 74 | 0·17 | 364 | 0·84 |
| 1880 | 435,009 | 89 | 0·20 | 361 | 0·82 |
| 1881 | 440,572 | 80 | 0·18 | 382 | 0·86 |
| 1882 | 441,545 | 91 | 0·20 | 399 | 0·90 |
| 1883 | 442,521 | 96 | 0·21 | 400 | 0·90 |
| 1884 | 443,499 | 86 | 0·19 | 384 | 0·86 |
| 1885 | 444,478 | 112 | 0·25 | 419 | 0·94 |
| 1886 | 445,460 | 114 | 0·25 | 396 | 0·88 |
| 1887 | 446,446 | 112 | 0·25 | 407 | 0·91 |
| 1888 | 447,432 | 104 | 0·23 | 395 | 0·88 |
| 1889 | 448,420 | 76 | 0·16 | 372 | 0·82 |
| 1890 | 449,408 | 94 | 0·20 | 348 | 0·77 |
| 1891 | 450,396 | 111 | 0·24 | 354 | 0·78 |
| 1892 | 451,389 | 101 | 0·22 | 363 | 0·80 |

NOTE.—The municipalities having to pay a part of the cost of those sent to the asylum, have in some instances removed the harmless insane to their local almshouses. The total number of the "unsound of mind" in the province according to the census returns was, in 1871, 1,254; in 1881, 1,445; and in 1891, 1373.

# APPENDIX No. 10.

THE following is a statement of the number of those admitted to the insane asylum of the province, and of the number remaining in the same at the end of each year:—

NEW BRUNSWICK.

| Year. | Population. | No. admitted. | Ratio per 1,000. | No. remaining at end of year. | Ratio per 1,000. |
|---|---|---|---|---|---|
| 1881 | 321,233 | ..... | ..... | 325 | 1·01 |
| 1882 | 321,235 | 146 | 0·45 | 357 | 1·11 |
| 1883 | 321,238 | 137 | 0·42 | 367 | 1·14 |
| 1884 | 321,241 | 123 | 0·38 | 380 | 1·18 |
| 1885 | 321,244 | 131 | 0·40 | 405 | 1·26 |
| 1886 | 321,247 | 151 | 0·47 | 435 | 1·35 |
| 1887 | 321,250 | 125 | 0·38 | 455 | 1·41 |
| 1888 | 321,253 | 115 | 0·35 | 449 | 1·39 |
| 1889 | 321,256 | 112 | 0·34 | 442 | 1·37 |
| 1890 | 321,259 | 148 | 0·46 | 455 | 1·41 |
| 1891 | 321,263 | 147 | 0·45 | 466 | 1·45 |
| 1892 | 321,267 | 103 | 0·32 | 451 | 1·40 |

# APPENDIX No. 11.

THE following is a statement of the number of those admitted to the insane asylums of the province, and of the number remaining in the same at the end of each year:—

PRINCE EDWARD ISLAND.

| Year. | Population. | No. admitted. | Ratio per 1,000. | No. remaining at end of year. | Ratio per 1,000. |
|---|---|---|---|---|---|
| 1877 | 102,763 | 35 | 0·34 | 78 | 0·75 |
| 1878 | 104,192 | 21 | 0·20 | 78 | 0·74 |
| 1879 | 105,734 | 26 | 0·25 | 86 | 0·81 |
| 1880 | 107,299 | 33 | 0·30 | 97 | 0·90 |
| Average | 104,997 | 29 | 0·27 | 85 | 0·80 |
| 1881 | 108,891 | 21 | 0·19 | 97 | 0·89 |
| 1882 | 108,909 | 40 | 0·36 | 104 | 0·95 |
| 1883 | 108,927 | 23 | 0·21 | 100 | 0·91 |
| 1884 | 108,945 | 37 | 0·33 | 114 | 1·04 |
| 1885 | 108,964 | 37 | 0·33 | 115 | 1·05 |
| 1886 | 108,983 | 46 | 0·42 | 122 | 1·11 |
| 1887 | 109,002 | 31 | 0·28 | 120 | 1·10 |
| 1888 | 109,021 | 40 | 0·36 | 122 | 1·11 |
| 1889 | 109,040 | 53 | 0·48 | 138 | 1·26 |
| 1890 | 109,059 | 44 | 0·40 | 129 | 1·18 |
| Average | 108,974 | 37 | 0·33 | 116 | 1·06 |
| 1891 | 109,080 | 43 | 0·39 | 137 | 1·25 |
| 1892 | 109,100 | 32 | 0·29 | 137 | 1·25 |
| Average | 109,096 | 37 | 0·33 | 137 | 1·25 |

# APPENDIX No. 12.

STATEMENT of the number of insane persons in the asylums of the province of Quebec.

| Year. | Population. | No. admitted. | Ratio per M. | No. remaining at end of year. | Ratio per M. |
|---|---|---|---|---|---|
| 1876 | 1,272,513 | 436 | 0·34 | 1,409 | 1·13 |
| 1877 | 1,289,362 | 391 | 0·33 | 1,531 | 1·18 |
| 1878 | 1,306,434 | 397 | 0·30 | 1,668 | 1·27 |
| 1879 | 1,323,732 | 305 | 2·23 | 1,616 | 1·22 |
| 1880 | 1,341,250 | 286 | 0·21 | 1,694 | 1·11 |
| 1881 | 1,359,0_7 | 282 | 0·20 | 1,758 | 1·29 |
| 1882 | 1,371,449 | 239 | 0·18 | 1,734 | 1·25 |
| 1883 | 1,383,985 | 277 | 0·20 | 1,758 | 1·27 |
| 1884 | 1,396,635 | 391 | 0·27 | 1,876 | 1·34 |
| 1885 | 1,409,400 | 421 | 0·29 | 1,917 | 1·36 |
| 1886 | 1,422,282 | 389 | 0·27 | 1,958 | 1·37 |
| 1887 | 1,435,282 | 431 | 0·30 | 2,018 | 1·40 |
| 1888 | 1,448,401 | 402 | 0·27 | 2,113 | 1·46 |
| 1889 | 1,461,639 | 604 | 0·41 | 2,374 | 1·62 |
| 1890 | 1,474,998 | 728 | 0·49 | 2,355 | 1·59 |
| 1891 | 1,488,535 | 679 | 0·45 | 2,532 | 1·70 |
| 1892 | 1,502,140 | 497 | 0·33 | 2,530 | 1·68 |
| 1893 | 1,515,870 | 387 | 0·26 | 2,531 | 1·67 |

N.B.—These figures include only the inmates in respect of whom the Provincial Government make payments.

# APPENDIX No. 13.

THE following is a statement of the number of those admitted to the insane asylums of the province, and of the number remaining in the same at the end of each year:—

ONTARIO.

| Year. | Population. | No. admitted. | Ratio per M. | No. remaining at end of year. | Ratio per M. |
|---|---|---|---|---|---|
| 1877 | 1,798,133 | 437 | 0·24 | 1,859 | 1·03 |
| 1878 | 1,829,510 | 479 | 0·26 | 2,003 | 1·09 |
| 1879 | 1,861,435 | 461 | 0·24 | 2,143 | 1·15 |
| 1880 | 1,893,719 | 507 | 0·26 | 2,298 | 1·21 |
| 1881 | 1,926,922 | 502 | 0·25 | 2,416 | 1·25 |
| 1882 | 1,944,889 | 493 | 0·25 | 2,508 | 1·28 |
| 1883 | 1,963,016 | 519 | 0·26 | 2,594 | 1·32 |
| 1884 | 1,981,311 | 493 | 0·24 | 2,671 | 1·34 |
| 1885 | 1,999,777 | 457 | 0·22 | 2,705 | 1·35 |
| 1886 | 2,018,415 | 519 | 0·25 | 2,899 | 1·43 |
| 1887 | 2,037,227 | 425 | 0·20 | 2,927 | 1·43 |
| 1888 | 2,056,214 | 566 | 0·27 | 3,110 | 1·51 |
| 1889 | 2,075,378 | 514 | 0·24 | 3,181 | 1·53 |
| 1890 | 2,094,721 | 666 | 0·31 | 3,318 | 1·58 |
| 1891 | 2,114,321 | 928 | 0·43 | 3,468 | 1·64 |
| 1892 | 2,134,026 | 792 | 0·37 | 3,587 | 1·68 |
| 1893 | 2,153,915 | 753 | 0·34 | 3,727 | 1·73 |

# APPENDIX No. 14.

THE following is a statement of the number of those admitted to the insane asylums of the province, and of the number remaining at the end of each year:—

MANITOBA.

| Year. | Population. | No. admitted. | Ratio per M. | No. remaining at end of year. | Ratio per M. |
|---|---|---|---|---|---|
| 1885 | 97,194 | * | ..... | 47 | ·48 |
| 1886 | 108,640 | * | ..... | 67 | ·61 |
| 1887 | 116,267 | * | ..... | 86 | ·73 |
| 1888 | 124,429 | * | ..... | 85 | ·68 |
| 1889 | 133,164 | * | ..... | 97 | ·72 |
| 1890 | 142,511 | * | ..... | 103 | ·72 |
| 1891 | 152,506 | 60 | ·39 | 135 | ·88 |
| 1892 | 163,213 | 88 | ·53 | 176 | 1·07 |
| 1893 | 174,679 | 101 | ·57 | 231 | 1·32 |

NOTE.—No information for years prior to 1885.

* No information.

There were probably some insane persons in addition to those included in the foregoing statement confined temporarily in the common jails.

(Letter from Mr. Phelp, April 14, 1894.)

# APPENDIX No. 15.

THE following is a statement of the number of those admitted to the insane asylums of the province, and of the number remaining in the same at the end of each year:—

NORTH-WEST TERRITORIES.

| Year. | Population. | No. admitted. | Rate per 1,000. | No. remaining at end of year. | Ratio per 1,000. |
|---|---|---|---|---|---|
| 1880 | 55,538 | ..... | ..... | ..... | ..... |
| 1881 | 56,446 | ..... | ..... | ..... | ..... |
| 1882 | 60,920 | ..... | ..... | ..... | ..... |
| 1883 | 65,748 | ..... | ..... | ..... | ..... |
| 1884 | 70,957 | ..... | ..... | ..... | ..... |
| 1885 | 76,585 | 1 | ..... | 1 | 0·01 |
| 1886 | 79,939 | 3 | ..... | 2 | 0·02 |
| 1887 | 83,429 | 9 | 0·11 | 8 | 0·09 |
| 1888 | 87,071 | 12 | ..... | 18 | 0·20 |
| 1889 | 90,872 | 16 | ..... | 24 | 0·26 |
| 1890 | 94,839 | 20 | ..... | 32 | 0·33 |
| 1891 | 98,967 | 20 | ..... | 41 | 0·41 |
| 1892 | 103,288 | 21 | 0·20 | 48 | 0·46 |

# APPENDIX No. 16.

THE following is a statement of the number of those admitted to the insane asylums of the province, and of the number remaining in the same at the end of each year:—

BRITISH COLUMBIA.

| Year. | Population. | No. admitted. | Ratio per M. | No. remaining at end of year. | Ratio per M. |
|---|---|---|---|---|---|
| 1872 | 37,412 | 18 | 0·48 | 16 | 0·42 |
| 1873 | 38,594 | 15 | 0·38 | 14 | 0·36 |
| 1874 | 39,813 | 12 | 0·30 | 19 | 0·47 |
| 1875 | 41,071 | 29 | 0·70 | 32 | 0·77 |
| 1876 | 42,371 | 22 | 0·51 | 35 | 0·82 |
| 1877 | 43,710 | 14 | 0·32 | 37 | 0·84 |
| 1878 | 45,091 | 17 | 0·37 | 36 | 0·79 |
| 1879 | 46,516 | 18 | 0·38 | 41 | 0·88 |
| 1880 | 47,986 | 17 | 0·35 | 48 | 1·00 |
| 1881 | 49,459 | 13 | 0·26 | 48 | 0·97 |
| 1882 | 53,007 | 7 | 0·13 | 49 | 0·92 |
| 1883 | 56,769 | 8 | 0·14 | 49 | 0·86 |
| 1884 | 60,797 | 11 | 0·18 | 51 | 0·83 |
| 1885 | 65,111 | 21 | 0·32 | 61 | 0·93 |
| 1886 | 69,732 | 27 | 0·38 | 65 | 0·93 |
| 1887 | 74,681 | 39 | 0·52 | 77 | 1·03 |
| 1888 | 79,980 | 29 | 0·36 | 82 | 1·02 |
| 1889 | 86,656 | 41 | 0·47 | 100 | 1·15 |
| 1890 | 91,733 | 57 | 0·62 | 117 | 1·27 |
| 1891 | 98,173 | 54 | 0·55 | 123 | 1·25 |
| 1892 | 105,141 | 64 | 0·60 | 135 | 1·28 |
| 1893 | 112,604 | 49 | 0·43 | 133 | 1·18 |

# APPENDIX No. 17.

# MEMORANDUM

PREPARED BY MR. GEO. JOHNSON, DOMINION STATISTICIAN, ON THE CRIMINAL STATISTICS OF THE DOMINION AND THE CANADA TEMPERANCE ACT.

JULY 7, 1892.

DEAR MR. FOSTER,—Much attention has been given by the Commission on the Liquor Traffic to the criminal statistics of the Dominion and some interesting facts have already been developed. I have been able to have worked out from the reports laid before Parliament the total annual convictions for all offences in the Dominion and the offences for drunkenness, and breaches of the liquor laws from 1880 to 1891, and for the provinces from 1882 to 1890. There is no report for 1881,* therefore the details for that year cannot be obtained, and the report for 1891 is not yet printed.

In order to judge of the effects of the adoption of the "Scott Act," so called, it is necessary in the matter of statistics to get at the facts as they have been reported from time to time in regard to the places where it has been in operation. I have in a rough sort of way had this done, but it is very important to get the statistics in as complete and reliable a form as possible. I have therefore, to ask that the Government will be so good as to supply a return giving the following information from 1882 to 1891, in respect of all counties, districts, or places, in which the "Dunkin Act" or the "Scott Act" has been in force:—

1. The population.
2. The total number of convictions for all offences.
3. Number of such per 1,000 of the population.
4. Number of convictions for offences against the liquor laws.
6. Number of convictions for drunkenness and offences against the liquor laws per 1,000 of the population.
7. The periods the Acts were in force in each district.

This information can be so much more expeditiously and economically compiled by a large staff than it can by two or three clerks working under the direction of the Commissioners that it has been deemed better to ask the Government to supply it than to attempt to get the work done in that way.

It is regrettable that it is not possible to get at the quantities of liquor consumed in the various districts in which either the Scott Act or the Dunkin Act has been in force.

I am, dear Mr. Foster,
Yours very truly,
(Sgd.) J. HICKSON.

Hon. Geo. E. Foster,
Minister of Finance, Ottawa.

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DEPARTMENT OF AGRICULTURE, CANADA,
OTTAWA, September 19, 1892.

DEAR SIR.—Some time ago Hon. Mr. Foster transferred to me a communication from yourself to him, asking for an analysis of the criminal statistics of Canada, in relation to the Canada Temperance Act. The results of my investigation are sent herewith. I trust the examination will be of service to the Commission.

I remain, yours respectfully,
GEORGE JOHNSON.

SIR JOSEPH HICKSON,
Chairman, Royal Commission on the Liquor Traffic,
Montreal, Quebec.

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*NOTE.—The figures for 1881 were subsequently obtained.

## CRIMINAL STATISTICS AND THE CANADA TEMPERANCE ACT.

### Part I.

The statistics branch of the Department of Agriculture has compiled the returns made to it by the functionaries of the courts or tribunals administering criminal justice for eleven years.

During the ten years, 1882–91, there have been recorded for the Dominion 348,460 convictions. By years these convictions are as under:—

| | |
|---|---|
| 1882 | 31,305 |
| 1883 | 33,388 |
| 1884 | 29,536 |
| 1885 | 33,869 |
| 1886 | 33,874 |
| 1887 | 34,453 |
| 1888 | 37,649 |
| 1889 | 38,431 |
| 1890 | 38,540 |
| 1891 | 37,415 |
| Total | 348,460 |

By provinces these convictions are divided as follows:—

| | 10 Years. | Annual average. |
|---|---|---|
| Ontario | 197,549 | 19,754 |
| Quebec | 82,909 | 8,290 |
| Nova Scotia | 14,203 | 1,420 |
| New Brunswick | 22,840 | 2,284 |
| Prince Edward Island | 5,473 | 547 |
| Manitoba | 15,934 | 1,593 |
| British Columbia | 8,193 | 819 |
| The Territories | 1,359 | 135 |
| Total | 348,460 | 34,846 |

*See* Table "A," appendix, for analysis of criminal convictions.

According to classes of crime these 348,460 convictions are divided as follows:—

| | |
|---|---|
| Murder, manslaughter, and attempts at | 265 |
| Offences against females | 847 |
| Other offences against the person | 47,826 |
| Robbery with violence, burglary, house and shop breaking | 2,283 |
| Horse, cattle and sheep stealing | 421 |
| Other offences against property | 30,530 |
| Other felonies and misdemeanors | 1,435 |
| Breaches of municipal by-laws and other minor misdemeanors | 142,897 |
| Drunkenness | 121,956 |
| Total | 348,460 |

Reduced to four classes, these 348,460 convictions are divided as follows:—

| | |
|---|---|
| Offences against the person | 48,938 |
| Offences against property | 33,234 |
| Drunkenness | 121,956 |
| Other felonies and misdemeanors | 144,332 |

By provinces the convictions for crime in the ten years were :—

| | Offences against | | Drunkenness. | Other offences. |
|---|---|---|---|---|
| | Person. | Property. | | |
| Ontario | 29,344 | 19,249 | 59,067 | 89,889 |
| Quebec | 11,281 | 9,345 | 27,589 | 34,094 |
| Nova Scotia | 2,546 | 1,482 | 6,086 | 4,089 |
| New Brunswick | 3,279 | 927 | 13,596 | 5,038 |
| Prince Edward Island | 546 | 187 | 2,913 | 1,826 |
| Manitoba | 965 | 856 | 3,793 | 5,322 |
| British Columbia | 725 | 761 | 3,696 | 3,012 |
| North-west Territories | 252 | 427 | 216 | 462 |
| Totals | 48,938 | 33,234 | 121,956 | 143,332 |

Taking the Dominion at large and the convictions and population for 1881 and 1891, the results are :—

| | Inhabitants. | |
|---|---|---|
| | 1881. | 1891. |
| Convictions for murder, one to every | 196,582 | 254,351 |
| Convictions for offences against females, one to every | 94,018 | 145,165 |
| Convictions for other offences against the person, one to every | 1,009 | 1,037 |
| Convictions for robbery with violence, etc., one to every | 30,033 | 17,076 |
| Convictions for horse, cattle and sheep stealing, one to every | 70,898 | 102,823 |
| Convictions for other offences against property, one to every | 1,708 | 1,461 |
| Convictions for breaches of municipal laws and other minor offences, one to every | 15,017 | 20,741 |
| Convictions for breaches of municipal laws and other minor offences, one to every | 352 | 309 |
| Convictions for drunkenness, one to every | 451 | 372 |
| Total convictions for crimes as recorded for Canada, one to every | 148 | 129 |

Crime on the whole appears to have increased, so that in 1891 there was one conviction to 129 inhabitants against one to every 148 in 1881.

There has been a decrease in crimes against the person, an increase in crimes against property with the trifling exception of cattle stealing; a decrease in other felonies and misdemeanors, and an increase in breaches of municipal law and in drunkenness.

In order to locate these increases and decreases we give by provinces convictions to inhabitants.

| | Murder. | | Offences against females. | | Other offences against persons. | |
|---|---|---|---|---|---|---|
| | 1881. | 1891. | 1881. | 1891. | 1881. | 1891. |
| Ontario | 488,407 | 302,046 | 64,107 | 54,213 | 668 | 823 |
| Quebec | 194,147 | 372,134 | 113,252 | 31,671 | 1,829 | 1,176 |
| Nova Scotia | 146,857 | 225,198 | 440,572 | 75,066 | 1,859 | 1,941 |
| New Brunswick | ..... | ..... | 160,616 | 160,631 | 1,367 | 1,127 |
| Prince Edward Island | ..... | ..... | ..... | 18,179 | 1,512 | 2,272 |
| Manitoba | ..... | ..... | 65,954 | 152,506 | 1,099 | 1,622 |
| British Columbia | 6,182 | 19,522 | ..... | 24,403 | 1,124 | 904 |
| North-west Territories | ..... | 98,967 | ..... | 49,483 | 4,032 | 1,677 |

| | Robbery, &c. | | Horse and cattle stealing. | | Other offences against property. | | Total offences against property. | |
|---|---|---|---|---|---|---|---|---|
| | 1881. | 1891. | 1881. | 1891. | 1881. | 1891. | 1881. | 1891. |
| Ontario | 23,743 | 13,729 | 68,686 | 72,908 | 1,315 | 1,173 | ..... | ..... |
| Quebec | 30,200 | 18,842 | 67,951 | 165,393 | 1,927 | 1,386 | ..... | ..... |
| Nova Scotia | 220,286 | 32,171 | ..... | ..... | 2,842 | 4,132 | ..... | ..... |
| New Brunswick | 35,692 | 107,087 | ..... | 321,233 | 4,066 | 3,530 | ..... | ..... |
| Prince Edward Island | ..... | 27,269 | ..... | ..... | 3,755 | 7,791 | ..... | ..... |
| Manitoba | 32,977 | 25,417 | 32,977 | 38,126 | 1,649 | 2,210 | ..... | ..... |
| British Columbia | 9,892 | 6,101 | ..... | ..... | 1,236 | 1,205 | ..... | ..... |
| North-west Territories | ..... | 14,138 | 5,644 | 19,793 | 2,565 | 1,499 | ..... | ..... |

| | Other felonies and misdemeanours. | | Breaches of municipal law, &c. | | Drunkenness. | |
|---|---|---|---|---|---|---|
| | 1881. | 1891. | 1881. | 1891. | 1881. | 1891. |
| Ontario | 10,509 | 20,527 | 267 | 217 | 367 | 425 |
| Quebec | 26,647 | 21,880 | 400 | 372 | 937 | 354 |
| Nova Scotia | 23,188 | 56,299 | 1,010 | 954 | 598 | 709 |
| New Brunswick | 30,308 | 15,298 | 805 | 630 | 284 | 197 |
| Prince Edward Island | 108,891 | 21,815 | 664 | 653 | 417 | 351 |
| Manitoba | 16,488 | 76,253 | 157 | 503 | 125 | 294 |
| British Columbia | 1,978 | 5,423 | 475 | 205 | 219 | 150 |
| North-west Territories | 56,446 | 12,371 | 381 | 805 | 6,272 | 1,207 |

Taking the province of Ontario, offences against the person have increased, having been one in 184,400 of the people in 1881 against one in 119,000 in 1891; offences against property have increased, having been one in every 31,250 inhabitants in 1881 against one in every 29,270 in 1891; other felonies and misdemeanours and breaches of municipal law have decreased having been one in every 5,388 in 1881 against one in every 10,372 in 1891; drunkenness has decreased by over one-eighth in 1891 compared with 1881.

Taking the province of Quebec, offences against the person have increased, having been one in 103,000 in 1881 against one in 23,387 in 1891; offences against property have decreased having been one in 33,360 in 1881 against one in 61,874 in 1891; other felonies and misdemeanours and breaches of municipal law have increased,

having been one in 13,457 in 1881 and one in 11,054 in 1891; drunkenness has increased by 164 per cent.

In Nova Scotia, offences against the person have increased; offences against property have increased; other offences and misdemeanours and breaches of municipal law have decreased, drunkenness decreased.

In New Brunswick, offences against the person have increased; offences against property in the form of robbery, etc., have decreased and in other forms have increased; other felonies and misdemeanours and breaches of municipal law have increased; convictions for drunkenness have increased.

Taking all the convictions at 100 in 1881, the corresponding figures in 1891 are as follows:—

| | | | Increase of population. |
|---|---|---|---|
| Ontario convictions in | 1881 | 100 | 100 |
| do do | 1891 | 113 | 110 |
| Quebec convictions in | 1881 | 100 | 100 |
| do do | 1891 | 167 | 109 |
| Nova Scotia convictions in | 1881 | 100 | 100 |
| do do | 1891 | 93 | 102 |
| New Brunswick convictions in | 1881 | 100 | 100 |
| do do | 1891 | 136 | 100 |
| Prince Edward Island convictions in | 1881 | 100 | 100 |
| do do do | 1891 | 105 | 100* |
| Manitoba convictions in | 1881 | 100 | 100 |
| do do | 1891 | 95 | 244 |
| British Columbia convictions in | 1881 | 100 | 100 |
| do do | 1891 | 301 | 200 |
| North-West Territories convictions in | 1881 | 100 | 100 |
| do do do | 1891 | 173 | 176 |

It appears from these tables, first, that convictions for crimes have increased faster than population in Ontario, Quebec, New Brunswick, Prince Edward Island, and British Columbia, and not as fast as population in Nova Scotia, Manitoba and the North-west Territories. Second, that offences against the person have increased in Ontario and Nova Scotia, and have decreased in Quebec and New Brunswick (the older provinces). Convictions for drunkenness have decreased in Ontario, Nova Scotia and Manitoba, and have increased in all the other provinces.

An appended table will show the general result by classes of crime for the whole Dominion of a comparison between 1881 and 1891.

Total convictions per million of inhabitants. *See Table "B" Appendix.*

If now we take the returns by three years period, in order to eliminate any accidental causes which might vitiate the comparison of 1891 with 1881, we have the following results:—

| | | |
|---|---|---|
| Convictions total per million of the people, | 1883–84–85 | 7206·6 |
| " " " | 1886–87–88 | 7617·0 |
| " " " | 1889–90–91 | 7992·0 |

*Analysis of above.*

| | | |
|---|---|---|
| Convictions for offences against the person, per million of the people | 1883–84–85 | 1058·2 |
| " " " | 1886–87–88 | 1072·8 |
| " " " | 1889–90–91 | 1059·6 |
| Convictions for offences against property, per million of the people | 1883–84–85 | 734·4 |
| " " " | 1886–87–88 | 678·7 |
| " " " | 1889–90–91 | 762·9 |

* Increase in Prince Edward Island population, 0·17

| | | |
|---|---|---|
| Other offences, breaches of municipal law, &c., per million of the people . . . | 1883–84–85..... | 2888·1 |
| " " " | 1886–87–88..... | 3310·3 |
| " " " | 1889–90–91..... | 3312·9 |
| Drunkenness, per million of the people, | 1883–84–85..... | 2525·9 |
| " " " | 1886–87–88..... | 2555·3 |
| " " " | 1889–90–91..... | 2853·3 |

We have a general corroboration of the conclusions arrived at by comparison of 1891 with 1881, an increase in criminal convictions in the 1889-90 and 91 period as compared with each of the preceding three year periods. That increase follows the same general lines as shown in the comparisons of 1891 with 1881.

Comparing the period 1886-7-8 with the period antecedent and with that subsequent we note that convictions for crimes against the person were greatest in the central period and that convictions for drunkenness were greater than in the preceding, but less than in the following period.

It seems to be a settled fact that the period 1886-7-8 was, as regards serious crimes, the worst of all three of the periods into which the nine years' record of crime has been divided.

## Part II.

With respect to the Scott Act, Canada Temperance Act, it may be said that during the ten years 1882-91 it has been in operation for longer or shorter terms in 66 counties, cities and towns. In 36 counties, etc., it has been in force from 1881 to 1889 and from 1885 to 1889 it was in force in 54 places.

During those four years, 1885-89, the convictions for crimes throughout Canada were 139,845, of which for drunkenness there were 46,903 convictions. During four years, 1881-84, the total convictions for crime were 123,454, of which 30,863 were for drunkenness. During three years, 1889-91 there were 114,386 convictions for crime, of which 40,883 were for drunkenness.

The averages per annum are:—

| | 1881-4. | 1885-8. | 1889-91. |
|---|---|---|---|
| Total convictions | 30,863 | 34,961 | 38,128 |
| Drunkenness | 10,436 | 11,726 | 13,628 |
| Per cent of drunkenness | 33·8 | 33·5 | 35·7 |
| Convictions for drunkenness per million inhabitants | 2,371 | 2,561 | 2,844 |
| Convictions all others per million inhabitants | 4,640 | 5,074 | 5,151 |
| Scott Act in operation in places | 36 | 54 | 33 |
| Mean of population | 4,400,900 | 4,578,745 | 4,756,500 |

It would appear from this that there was less crime in 1881-4 when there were but 36 places under the Canada Temperance Act, than in 1885-8 when there were 50 per cent more places under the Act. It would also appear that there was a reaction in favour of drinking when the Scott Act counties became reduced in number as also in favour of crimes generally.

The crime returns for the province of Ontario are made to the statistics Branch at Ottawa in accordance with divisions of the country provided by the Provincial Government. The population in 1891 is given according to divisions provided by the Federal authorities. As these two sets of divisions do not coincide it becomes difficult to designate the Scott Act counties so that comparisons may be made as to the growth of population and other points.

There is however, in the province of New Brunswick a group of nine counties whose territorial division have remained the same. These nine counties have been under the Scott Act for more than ten years. They are all connected geographically.

They contain 61 per cent of the whole population of the province. They have within their borders several flourishing cities and towns, as Fredericton, Marysville, Woodstock, St. Stephen, Milltown, Chatham, Moncton. They seem in every respect a group fairly representative of the whole country, in industries, in religious beliefs, in racial and in general conditions.

In respect to crimes the statistics show that in the 10 years 1882-91 (both years included) there were 22,841 convictions in the province of New Brunswick. (*See* Appendix, table "C.") In the whole Dominion there were 348,460 convictions, making the mean of population 4, 578,810. We have the average of 7,800 convictions per annum for every million of the inhabitants of Canada. In the province of New Brunswick the average is at the rate of 7,112 per million. So that the average during the 10 years was about 9 per cent less than the general average of the Dominion.

We have seen that there were 22,841 convictions in the Province during ten years. Divided according to Scott Act counties and non-Scott Act counties, there were 8,738 (see Appendix, table "D") in the 9 Scott Act counties and 14,102 in the other counties, or 38·4 per cent in the 9 counties and 61·6 per cent in the non-Scott Act counties, judged by the criminal statistics. That is to say 61 per cent of the population had 38½ per cent of the criminal convictions and 39 per cent of the population had 61½ per cent of the crime as indicated by the convictions.

The position of affairs as respects population is as follows: The 9 counties show during the decade 1881-91 a decrease of 4,869 in population. The others show an increase of 4,900 in population during the same period. (*See* Appendix, table "E.")

Tested by manufacturing development the counties show an increase per head as follows:

| | |
|---|---|
| In Capital:— | |
| Nine Scott Act Counties | $24 15 |
| The other do | 27 56 |
| Difference per head in favour of the other | $ 3 41 |
| In Employes:— | |
| Nine Scott Act Counties—Increase per 1,000 inhabitants | 18 0 |
| The others do do | 24 4 |
| Difference per 1,000 inhabitants in number of employes | 6 4 |
| In Wages:— | |
| The 9 Scott Act Counties increased per head of population | $ 5 28 |
| The other do do do do | 8 27 |
| Difference per head in favour of the other | $ 2 99 |
| In products.— | |
| The 9 Scott Act counties increased per head | $11 84 |
| The others | 22 80 |
| Difference per head in favour of the "Others" | $10 96 |

*See* Appendix, table "F".

In 1881 there were 5,921 births and 2,856 deaths in the 9 Scott Act counties. (*See* Appendix, table "G".)

In the other counties the births were 3,858 and the deaths 1,971.

The birth rate in the Scott Act counties was 29·4 per 1,000 of people and the death rate was 14·1 per 1,000.

In the non-Scott Act counties the birth rate was 32.1 and the death rate 16·4 per thousand.

In 1891 there were 5,129 births in Scott Act counties and 2,550 deaths.

In the other counties there were 3,723 births and 1,744 deaths.

The birth rate in the Scott Act counties was 26·1 per 1,000 of the people and the death rate 13 per 1,000.

In the other counties the birth rate was 29·8 per 1,000 and the death rate 14 per 1,000.

| | | | | |
|---|---|---|---|---|
| In the Scott Act counties | birth rate for | 1881 | ..... | 29·4 |
| " | " | " | 1891 | 26·1 |
| " | " death | " | 1881 | 14·1 |
| " | " | " | 1891 | 13·0 |
| In the non-Scott Act counties | birth rate | 1881 | ..... | 32·1 |
| " | " | " | 1891 | 29·8 |
| " | " death rate | | 1881 | 16·4 |
| " | " | " | 1891 | 14·0 |

| | | | |
|---|---|---|---|
| Birth rate in Scott Act counties decreased | | 11.2 | per cent. |
| Death | " | 8 | " |
| Birth rate in non-Scott Act | " | 7.1 | " |
| Death | " | 14.6 | " |

It would appear from this that the non-Scott Act counties are the best nurseries for population.

Testing the counties by the number of persons of the useful working age-period 10 to 45 in them, we find that the Scott Act counties have 32·62 per cent of their population between 10 and 25 years of age, and 23·32 per cent between 25 to 45; while the non-Scott Act counties have 33·7 per cent of their population between 10 and 25 years and 23·61 per cent between 25 and 45. (*See* Appendix, table "H".)

During ten year the Scott Act counties have retrograded in respect to their population between 10 and 25 years by 1·8 per cent, and have increased with respect to population between 25 and 45 by 4·3 per cent; while the non-Scott Act counties have increased their 10 to 25 years population by 0·5 per cent, and their 25 and 45 by 5·4 per cent. There has evidently been a larger movement of popula- of the useful working age period outward from the Scott Act counties than from the non-Scott Act counties. This is the more remarkable because, taking the Dominion through, the increase in the population between the ages of 10 to 45 is 70 per cent of the whole increase of the population between 1881 and 1891. (*See* table "K".)

It would seem that the result of the investigation is to show that in a general way the Canada Temperance Act has not reduced crime, but that where it has been under the most favourable conditions imaginable these criminal convictions have materially decreased.

2nd. That in other respects, for instance, industrial prosperity, population, character of population as to age periods, etc., the New Brunswick illustration fails to prove that the Canada Temperance Act carries in its train other material blessings.

(Signed.) GEORGE JOHNSON.

TABLE "A."—Crimes in Canada.

| | | Population, 4,375,597, 1882. | Population, 4,426,384, 1883. | Population, 4,477,171, 1884. | Population, 4,527,958, 1885. | Population, 4,578,745, 1886. | Population, 4,629,532, 1887. | Population, 4,680,319, 1888. | Population, 4,731,106, 1889. | Population, 4,781,893, 1890. | Population, 4,800,511, 1891. | Total 10 years. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Murder, attempts at, and manslaughter | 24 | 26 | 23 | 30 | 33 | 26 | 24 | 32 | 28 | 19 | 265 |
| | Rate per million inhabitants | 5·5 | 5·9 | 5·1 | 6·6 | 7·2 | 5·6 | 5·1 | 6·8 | 5·9 | 3·9 | ..... |
| 2 | Rape and other offences against females | 50 | 40 | 74 | 113 | 105 | 78 | 89 | 87 | 104 | 107 | 847 |
| | Rate per million inhabitants | 11·4 | 9·0 | 16·6 | 24·9 | 22·9 | 16·9 | 19·0 | 18·4 | 21·7 | 22·3 | ..... |
| 3 | Other offences against the person | 4,593 | 4,802 | 4,191 | 4,914 | 5,064 | 4,798 | 4,677 | 5,165 | 4,961 | 4,661 | 47,826 |
| | Rate per million inhabitants | 1,049·8 | 1,084·9 | 936·1 | 1,085·5 | 1,105·9 | 1,036·4 | 999·3 | 1,091·7 | 1,037·5 | 970·9 | ..... |
| | *Total offences against the person* | 4,667 | 4,868 | 4,288 | 5,057 | 5,207 | 4,902 | 4,790 | 5,284 | 5,093 | 4,787 | 48,938 |
| | Rate per million inhabitants | 1,066·6 | 1,099·8 | 957·9 | 1,117·0 | 1,136·1 | 1,058·9 | 1,023·5 | 1,116·9 | 1,065·0 | 996·9 | ..... |
| 4 | Robbery with violence, burglary, &c | 173 | 132 | 226 | 222 | 255 | 208 | 225 | 283 | 276 | 283 | 2,283 |
| | Rate per million inhabitants | 39·5 | 29·8 | 50·5 | 49·0 | 55·9 | 44·9 | 48·0 | 59·8 | 57·8 | 58·7 | ..... |
| 5 | Horse, cattle and sheep stealing | 45 | 57 | 38 | 57 | 29 | 43 | 34 | 41 | 33 | 47 | 421 |
| | Rate per million inhabitants | 10·3 | 12·8 | 8·5 | 12·6 | 5·7 | 9·3 | 7·3 | 8·7 | 6·9 | 9·8 | ..... |
| 6 | Other offences against property | 2,800 | 2,530 | 3,509 | 3,100 | 2,917 | 2,516 | 3,203 | 3,415 | 3,234 | 3,306 | 30,530 |
| | Rate per million inhabitants | 639·9 | 571·6 | 783·7 | 684·6 | 637·7 | 543·4 | 684·4 | 721·8 | 676·3 | 688·7 | ..... |
| | *Total offences against property* | 3,018 | 2,719 | 3,773 | 3,379 | 3,198 | 2,767 | 3,462 | 3,739 | 3,543 | 3,636 | 33,234 |
| | Rate per million inhabitants | 689·7 | 614·3 | 842·7 | 746·3 | 698·5 | 597·7 | 740·0 | 740·3 | 740·9 | 757·4 | ..... |
| 7 | Other felonies and misdemeanours | 106 | 128 | 144 | 188 | 133 | 124 | 145 | 118 | 116 | 233 | 1,435 |
| | Rate per million inhabitants | 24·2 | 28·9 | 32·2 | 41·5 | 29·0 | 26·8 | 30·9 | 24·9 | 24·3 | 48·5 | ..... |
| 8 | Breaches of municipal laws and other minor offences | 12,005 | 12,889 | 11,454 | 13,999 | 14,185 | 14,966 | 16,445 | 15,449 | 15,743 | 15,762 | 142,897 |
| | Rate per million inhabitants | 2,743·6 | 2,911·8 | 2,558·3 | 3,091·7 | 3,098·0 | 3,232·7 | 3,513·6 | 3,265·4 | 3,292·2 | 3,283·4 | ..... |
| | *Total offences under 7 and 8* | 12,111 | 13,017 | 11,598 | 14,187 | 14,318 | 15,090 | 16,590 | 15,567 | 15,859 | 15,995 | 144,332 |
| | Rate per million inhabitants | 2,767·8 | 2,940·7 | 2,590·5 | 3,133.2 | 3,127·0 | 3,259·5 | 3,544·5 | 3,290·3 | 3,316·5 | 3,331·9 | ..... |
| 9 | Drunkenness | 11,509 | 12,784 | 9,877 | 11,246 | 11,156 | 11,694 | 12,807 | 13,841 | 14,045 | 12,997 | 121,956 |
| | Rate per million inhabitants | 2,630·2 | 2,888·1 | 2,206·0 | 2,483·6 | 2,403·6 | 2,525·9 | 2,736·3 | 2,925·5 | 2,937·1 | 2,707·4 | ..... |
| | *Total criminal conviction* | 31,305 | 33,388 | 29,536 | 33,869 | 33,874 | 34,453 | 37,649 | 38,431 | 38,540 | 37,415 | 348,460 |
| | Rate per million inhabitants | 7,154·4 | 7,542·9 | 6,596·9 | 7,480·1 | 7,365·2 | 7,442·0 | 8,044.1 | 8,123·0 | 8,059·5 | 7,793·9 | ..... |

## Table "B."—Criminal Convictions, Canada.

| | Per million inhabitants. | |
|---|---|---|
| | 1881. | 1881. |
| Murder, attempts at, and manslaughter | 5·08 | 3·93 |
| Rape and other offences against females | 10·6 | 22·14 |
| Other offences against the person | 990·79 | 964·47 |
| Robbery with violence, burglary, house and shop-breaking | 39·32 | 58·56 |
| Horse, cattle and sheep-stealing | 14·15 | 9·73 |
| Other offences against property | 585·46 | 684·10 |
| Other felonies and misdemeanours | 66·60 | 48·17 |
| Breaches of municipal by-laws and other minor offences | 3,000·00 | 3,261·00 |
| Drunkenness | 2,214·00 | 2,680.00 |

## Table "C."—Crime in New Brunswick.

1882-1891 (both inclusive.)

| | 10 years. |
|---|---|
| Murders | 11 |
| Rape and other offences against females | 26 |
| Other offences against the person | 3,241 |
| Robbery with violence, burglary, &c | 67 |
| Horse, cattle and sheep-stealing | 2 |
| Other offences against property | 858 |
| Other felonies and misdemeanours | 45 |
| Breaches of municipal law and minor offences | 4,993 |
| Drunkenness | 13,598 |
| Total | 22,841 |

TABLE D—Convictions for crime in the Scott Act counties of New Brunswick.

| Year. | Albert. | Carleton. | Charlotte. | Kings. | Northumberland | Queens. | Sunbury. | Westmoreland. | York. | — | Total. | Against person. | Against property. | Drunkenness. | Balance. | Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1882 | 1 | 92 | ..... | 12 | 25 | 1 | ..... | 252 | 249 | Albert | 13 | 7 | 6 | ..... | ..... | 13 |
| 1883 | 4 | 65 | 140 | 14 | 115 | ..... | ..... | 200 | 235 | Carleton | 896 | 75 | 46 | 402 | 373 | 896 |
| 1884 | 2 | 71 | 85 | 11 | 201 | 5 | ..... | 284 | 281 | Charlotte | 1,267 | 83 | 31 | 841 | 312 | 1,267 |
| 1885 | ..... | 104 | 72 | 12 | 171 | ..... | 3 | 238 | 271 | Kings | 98 | 64 | 23 | ..... | 11 | 93 |
| 1886 | ..... | 134 | 148 | 7 | 203 | ..... | 1 | 221 | 335 | Northumberland | 1,412 | 312 | 92 | 743 | 265 | 1,412 |
| 1887 | ..... | 71 | 139 | 15 | 108 | ..... | ..... | 232 | 215 | Queens | 7 | 2 | 2 | ..... | 3 | 7 |
| 1888 | ..... | 74 | 185 | 11 | 125 | ..... | ..... | 228 | 268 | Sunbury | 5 | ..... | 1 | ..... | 4 | 5 |
| 1889 | 1 | 77 | 133 | 3 | 168 | 1 | ..... | 214 | 298 | Westmoreland | 2,453 | 336 | 94 | 1,511 | 512 | 2,453 |
| 1890 | 4 | 123 | 202 | 2 | 147 | ..... | ..... | 277 | 236 | York | 2,587 | 399 | 133 | 1,489 | 566 | 2,587 |
| 1891 | 1 | 85 | 163 | 11 | 149 | ..... | ..... | 307 | 199 | | | | | | | |
| Total | 13 | 896 | 1,267 | 98 | 1,412 | 7 | 5 | 2,453 | 2,587 | | 8,738 | | | | | |

TABLE "E."—New Brunswick.

| Population. | 1881. | 1891. | Increase. | Decrease. |
|---|---|---|---|---|
| Albert | 12,329 | 10,971 | ..... | 1,358 |
| Carleton | 23,365 | 25,529 | ..... | 836 |
| Charlotte | 26,087 | 23,752 | ..... | 2,335 |
| Kings | 25,617 | 23,087 | ..... | 2,530 |
| Northumberland | 25,109 | 25,713 | 604 | ..... |
| Queens | 14,017 | 12,152 | ..... | 1,865 |
| Sunbury | 6,651 | 5,762 | ..... | 889 |
| Westmoreland | 37,719 | 41,477 | 3,758 | ..... |
| York | 30,397 | 30,979 | 582 | ..... |
| | 201,291 | 196,422 | 4,944 | 9,813 |

| | |
|---|---|
| Decrease | 4,869 |
| Increase in other counties | 4,899 |

| | |
|---|---|
| Total population of New Brunswick, 1891 | 321,263 |
| Scott Act counties | 196,422 |
| Other counties | 124,841 |
| Total population in 1881 | 321,233 |
| Scott Act counties | 201,291 |
| Other counties | 119,942 |

## Table "F."—Census Returns.

| County. | Capital. | | Employees. | | Wages. | | Products. | |
|---|---|---|---|---|---|---|---|---|
| | 1881. | 1891. | 1881. | 1891. | 1881. | 1891. | 1881. | 1891. |
| | $ | $ | | | $ | $ | $ | $ |
| Albert | 391,795 | 438,455 | 665 | 748 | 113,952 | 156,299 | 395,140 | 493,176 |
| Carleton | 279,574 | 498,748 | 599 | 937 | 148,399 | 252,500 | 624,960 | 822,118 |
| Charlotte | 310,875 | 1,973,756 | 1,011 | 2,648 | 257,209 | 569,325 | 880,815 | 1,944,211 |
| Kings | 329,055 | 333,033 | 897 | 767 | 123,466 | 193,318 | 562,508 | 692,245 |
| Northumberland | 874,457 | 1,252,201 | 2,513 | 2,237 | 407,192 | 374,565 | 2,052,781 | 1,755,404 |
| Queens | 49,332 | 110,404 | 236 | 362 | 22,997 | 70,942 | 93,287 | 233,679 |
| Sunbury | 33,510 | 26,213 | 106 | 68 | 13,389 | 8,603 | 66,280 | 35,737 |
| Westmoreland | 1,011,833 | 2,047,595 | 2,516 | 3,502 | 537,143 | 714,372 | 2,900,735 | 3,380,318 |
| York | 585,100 | 1,878,243 | 1,287 | 2,070 | 286,796 | 633,047 | 1,524,717 | 2,074,569 |
| Totals | 3,865,531 | 8,608,648 | 9,820 | 13,399 | 1,935,483 | 2,972,971 | 9,104,223 | 11,431,457 |
| Total New Brunswick | 8,425,282 | 16,608,755 | 19,922 | 26,609 | 3,866,011 | 5,936,021 | 18,512,058 | 23,685,636 |
| The other counties | 4,559,751 | 8,000,107 | 10,102 | 13,270 | 1,930,528 | 2,963,050 | 9,407,835 | 12,254,179 |

| | $ cts. |
|---|---|
| In capital the increase per head in the nine counties is | 24 15 |
| " " " other " | 27 56 |
| Per head gain over the Scott Act counties | 3 41 |

| | |
|---|---|
| For employees the gain in number per 1,000 of the people in the Scott Act counties | 18.0 |
| For employees the gain in number per 1,000 of the people in the other counties | 24·4 |
| Per 1,000 gain over the Scott Act counties | 6·4 |

| | $ cts |
|---|---|
| In wages the gain per head in the Scott Act counties is | 5 28 |
| " " " other " | 8 27 |
| Per head gain over the Scott Act counties | 2 99 |

| | |
|---|---|
| In products the gain per head in the output in the Scott Act counties is. | 11 84 |
| " " " " other " . | 22 80 |
| Per head gain over Scott Act counties | 10 96 |

## Table "G."—New Brunswick.

### BIRTHS AND DEATHS.

*Scott Act Counties.*

| | 1881. | | 1891. | |
|---|---|---|---|---|
| | Births. | Deaths. | Births. | Deaths. |
| Albert | 404 | 178 | 346 | 160 |
| Carleton | 665 | 314 | 616 | 276 |
| Charlotte | 696 | 372 | 492 | 340 |
| Kings | 672 | 283 | 548 | 336 |
| Northumberland | 848 | 420 | 704 | 305 |
| Queens | 360 | 182 | 279 | 135 |
| Sunbury | 157 | 89 | 121 | 95 |
| Westmoreland | 1,246 | 572 | 1,301 | 558 |
| York | 873 | 446 | 722 | 345 |
| Totals | 5,921 | 2,856 | 5,129 | 2,550 |

*Other Counties.*

| | | | | |
|---|---|---|---|---|
| Gloucester | 781 | 359 | 927 | 272 |
| Kent | 847 | 301 | 781 | 345 |
| Restigouche | 213 | 79 | 255 | 62 |
| St. John city | 602 | 372 | 519 | 398 |
| St. John county | 757 | 432 | 631 | 377 |
| Victoria | 658 | 428 | 610 | 290 |
| Totals | 3,858 | 1,971 | 3,723 | 1,744 |
| Total in province | 9,779 | 4,827 | 8,852 | 4,294 |

## Table "H."—Ages of the People.

| | 1881. | | 1891. | |
|---|---|---|---|---|
| | 10 to 25. | 25 to 45. | 10 to 25. | 25 to 45. |
| Albert | 4,135 | 2,673 | 3,390 | 2,498 |
| Carleton | 7,762 | 5,302 | 7,669 | 5,416 |
| Charlotte | 8,699 | 5,338 | 7,591 | 5,606 |
| King's | 8,493 | 5,490 | 7,505 | 5,171 |
| Northumberland | 8,078 | 5,905 | 8,495 | 5,877 |
| Queen's | 4,647 | 2,824 | 3,998 | 2,723 |
| Sunbury | 2,211 | 1,436 | 1,944 | 1,284 |
| Westmoreland | 12,659 | 8,543 | 13,142 | 10,044 |
| York | 10,135 | 6,906 | 10,351 | 7,190 |
| | 66,819 | 44,917 | 64,085 | 45,809 |
| Proportion to total population of above counties | 33·19 | 22·36 | 32·62 | 23·32 |
| Other counties | 33·01 | 22·40 | 33·17 | 23·61 |

## TABLE "K."—Ages of the Living.

DOMINION OF CANADA.

| Years. | 1881. | 1891. |
|---|---|---|
| 10 to 24 | 1,412,894 | 1,534,524 |
| 24 to 44 | 979,664 | 1,209,060 |
| | 2,392,558 | 2,743,584 |
| | ..... | 2,392,558 |
| Increase | ..... | 351,026 |

# APPENDIX No. 18.

STATEMENT of the total arrest for drunkenness of the City of Halifax, N. S., for the undermentioned years

| Years. | Population. 1881 (36,100.) | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1884 | 37,066 | 1,330 | 35·88 | 627 | 16·91 |
| 1885 | 37,388 | 1,537 | 41·10 | 589 | 15·75 |
| 1886 | 37,710 | 1,552 | 41·15 | 532 | 14·10 |
| 1887 | 38,032 | 1,329 | 34·96 | 472 | 12·41 |
| 1888 | 38,354 | 1,218 | 31·75 | 514 | 13·40 |
| 1889 | 38,676 | 1,244 | 32·16 | 509 | 13·16 |
| 1890 | 38,850 | 1,376 | 35·41 | 599 | 15·41 |
| 1891 | 39,000 | 1,273 | 32·64 | 557 | 14·28 |
| 1892 | 39,100 | 1,378 | 35·24 | 762 | 19·48 |
| 1893 | 39,225 | 1,544 | 39·36 | 762 | 19·42 |

# APPENDIX No. 19.

STATEMENT showing the number of convictions, and of acquittals for drunkenness, and for other offences in the town of Dartmouth, N.S., for the undermentioned years:

| Year. | Population — (1881, 3,786.) | Drunk and disorderly. | | | Other offences. | | |
|---|---|---|---|---|---|---|---|
| | | No. of convictions. | No. of acquittals. | Convictions per 1,000 of population. | No. of convictions. | No. of acquittals. | Convictions per 1,000 of population. |
| 1887 | 5,034 | 5 | 3 | 0·99 | 40 | 47 | 7·94 |
| 1888 | 5,310 | 15 | 5 | 2·82 | 37 | 27 | 6·96 |
| 1889 | 5,602 | 18 | 6 | 3·21 | 29 | 54 | 5·17 |
| 1890 | 5,915 | 30 | 3 | 5·07 | 43 | 28 | 7·26 |
| 1891 | 6,249 | 25 | 11 | 4·00 | 60 | 48 | 9·60 |
| 1892 | 6,592 | 23 | 11 | 3·38 | 105 | 35 | 15·92 |
| 1893 | 6,954 | 27 | 12 | 3·88 | 101 | 73 | 14·52 |

NOTE.—These are said to be convictions, no record of arrests having been kept.

# APPENDIX No. 20.

STATEMENT of total convictions, and of convictions for drunkenness, with the ratio per 1,000 of the population, from 1875 to 1891, for the town of Truro, N.S.

| Year. | Population. | Total convictions. | Ratio per 1,000. | Convictions for drunkenness | Ratio per 1,000 |
|---|---|---|---|---|---|
| 1875 | 2,477 | 85 | 34·31 | 50 | 20·18 |
| 1876 | 2,640 | 191 | 72·34 | 135 | 51·13 |
| 1877 | 2,805 | 90 | 32·08 | 61 | 21·74 |
| 1878 | 2,970 | 120 | 40·40 | 60 | 20·20 |
| 1879 | 3,133 | 79 | 25·21 | 41 | 13·08 |
| 1880 | 3,297 | 71 | 21·53 | 35 | 10·61 |
| 1881 | 3,461 | 82 | 23·69 | 40 | 11·55 |
| 1882 | 3,625 | 135 | 37·24 | 43 | 11·86 |
| 1883 | 3,889 | 80 | 21·11 | 36 | 9·50 |
| 1884 | 3,953 | 108 | 27·32 | 33 | 8·34 |
| 1885 | 4,117 | 50 | 12·14 | 30 | 7·28 |
| 1886 | 4,281 | 67 | 15·65 | 22 | 5·13 |
| 1887 | 4,445 | 49 | 11·02 | 16 | 3·59 |
| 1888 | 4,609 | 60 | 13·01 | 21 | 4·55 |
| 1889 | 4,773 | 90 | 18·85 | 46 | 9·63 |
| 1890 | 4,937 | 91 | 18·43 | 57 | 11·54 |
| 1891 | 5,102 | 60 | 11·76 | 39 | 7·64 |

N.B.—No statement of arrests could be obtained.

# APPENDIX No. 21.

STATEMENT of total arrests for all offences and total arrests for drunkenness in the city of Charlottetown, P.E.I.

| Year. | Population. | Total arrests. | Per 1,000 of population. | Arrests for drunkenness. | Per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 11,490 | 480 | 41·77 | 258 | 22·45 |
| 1881 | 11,485 | 385 | 33·52 | 197 | 17·15 |
| 1882 | 11,483 | 383 | 33·35 | 218 | 18·98 |
| 1883 | 11,480 | 449 | 39·11 | 250 | 22·64 |
| 1884 | 11,475 | 370 | 32·24 | 230 | 20·91 |
| Average | 57,413 | 2,067 | 34·78 | 1,153 | 20·08 |
| 1885 | 11,469 | 588 | 51·26 | 285 | 24·84 |
| 1886 | 11,460 | 349 | 30·45 | 300 | 27·05 |
| 1887 | 11,448 | 268 | 23·41 | 224 | 19·56 |
| 1888 | 11,435 | 330 | 28·85 | 262 | 22·91 |
| 1889 | 11,420 | 458 | 31·34 | 312 | 27·32 |
| Average | 57,232 | 1,893 | 33·07 | 1,383 | 24·16 |
| 1890 | 11,400 | 285 | 25·00 | 248 | 21·75 |
| 1891 | 11,374 | 386 | 33·93 | 322 | 28·31 |
| 1892 | 11,350 | 249 | 21·93 | 235 | 20·70 |
| 1893 | 11,325 | 293 | 25·87 | 198 | 17·48 |
| Average | 45,449 | 1,213 | 26·68 | 1,003 | 22·06 |

The Scott Act in force in Charlottetown from June, 1879 to 1891. From July, 1891, to July, 1892, there was practically unregulated sale. From July, 1892, there was free sale in the city under police regulations.

# APPENDIX No. 22.

STATEMENT of total arrests for all offences and total arrests for drunkenness in the city of St. John, N.B.:

| Year. | Population. | Total arrests. | Ratio per M of population. | Arrests for drunkenness. | Ratio per M of population. |
|---|---|---|---|---|---|
| 1880 | 26,200 | 1,053 | 40·19 | 606 | 23·13 |
| 1881 | *26,127 | 1,224 | 46·84 | 738 | 28·24 |
| 1882 | 25,900 | 1,414 | 54·59 | 840 | 32·43 |
| 1883 | 25,600 | 1,272 | 49·29 | 783 | 30·58 |
| 1884 | 25,300 | 1,294 | 51·14 | 776 | 30·67 |
| 1885 | 25,000 | 1,030 | 41·20 | 591 | 23·64 |
| 1886 | 24,700 | 977 | 39·55 | 562 | 22·75 |
| 1887 | 24,400 | 889 | 36·43 | 493 | 20·20 |
| 1888 | 24,000 | 735 | 30·62 | 445 | 18·54 |
| 1889 | †39,170 | 1,187 | 30·30 | 883 | 22·54 |
| 1890 | 39,170 | 1,725 | 44·03 | 1,041 | 26·57 |
| 1891 | *39,179 | 1,678 | 42·82 | 1,030 | 26·28 |
| 1892 | 39,190 | 1,592 | 40·62 | 914 | 23·32 |
| 1893 | 39,200 | 1,548 | 39·48 | 947 | 24·15 |

*Census figures; other years estimated.

†In 1889 Portland, with population of 15,226, was added.

NOTE.—In St. John proper there was a decrease in population of 2,174 indicated between the years 1881 to 1891.

# APPENDIX No. 23.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Fredericton, N.B., for the undermentioned years:

| Years. | Population. — (1881, 6,218) | Total arrests. | Ratio per M of population. | Arrests for drunkenness. | Ratio per M of population. |
|---|---|---|---|---|---|
| 1884 | 6,275 | 295 | 47·01 | 138 | 21·99 |
| 1885 | 6,290 | 367 | 58·34 | 156 | 24·80 |
| 1886 | 6,320 | 425 | 67·24 | 123 | 19·46 |
| 1887 | 6,348 | 253 | 39·85 | 111 | 17·48 |
| 1888 | 6,380 | 340 | 53·29 | 153 | 23·98 |
| 1889 | 6,415 | 361 | 56·27 | 153 | 23·85 |
| 1890 | 6,455 | 245 | 37·95 | 93 | 14·40 |
| 1891 | 6,502 | 255 | 39·21 | 83 | 12·76 |
| 1892 | 6,550 | 251 | 38·32 | 108 | 16·48 |
| 1893 | 6,610 | 306 | 46·29 | 140 | 21·18 |

The Scott Act has been in force in Fredericton since 1879.

# APPENDIX No. 24.

STATEMENT of the total number of persons arrested during the undermentioned periods in the city of Moncton, N.B., and of the number arrested for drunkenness.

| Year. | Population. — (1881, 5,032) | Total arrests. | Ratio per M of population. | Arrests for drunkenness. | Ratio per M of population. |
|---|---|---|---|---|---|
| 1885 | 6,524 | 335 | 51·19 | 224 | 34·18 |
| 1886 | 6,904 | 311 | 45·04 | 206 | 29·83 |
| 1887 | 7,289 | 205 | 28·12 | 136 | 18·65 |
| 1888 | 7,680 | 216 | 28·12 | 144 | 18·75 |
| 1889 | 8,079 | 309 | 38·24 | 206 | 25·49 |
| 1890 | 8,488 | 278 | 32·75 | 184 | 21·67 |
| 1891 | 8,765 | 263 | 20·00 | 174 | 19·85 |
| 1892* | 9,145 | 123 | 13·45 | 82 | 8·96 |

*To end of July, 1892.

NOTE.—This place is under the Scott Act, which Act was brought into force in the county of Westmoreland in 1879, has been twice voted upon since, and sustained on each occasion.

# APPENDIX No. 25.

STATEMENT of total arrests for all offences and total arrests for drunkenness in the city of Quebec, P. Q.

| Year. | Population. | Total arrests. | Per 1,000 of population. | Arrests for drunkenness. | Per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 62,370 | 1,560 | 25·01 | 766 | 12·28 |
| 1881 | 62,446 | 1,540 | 24·66 | 764 | 12·23 |
| 1882 | 62,508 | 1,511 | 24·18 | 732 | 11·71 |
| 1883 | 62,570 | 1,269 | 20·28 | 678 | 10·83 |
| 1884 | 63,673 | 1,110 | 17·71 | 567 | 9·04 |
| 1885 | 62,694 | 1,119 | 17·84 | 715 | 11·40 |
| 1886 | 62,756 | 986 | 15·71 | 536 | 8·54 |
| 1887 | 62,818 | 958 | 15·25 | 580 | 9·23 |
| 1888 | 62,880 | 957 | 15·21 | 581 | 9·24 |
| 1889 | 62,942 | 1,019 | 16·19 | 660 | 10·48 |
| 1890 | 62,980 | 1,073 | 17·03 | 687 | 10·90 |
| 1891 | 63,000 | 890 | 14·12 | 487 | 7·73 |
| 1892 | 63,600 | 757 | 12·90 | 469 | 7·68 |
| 1893 | 63,650 | 730 | 11·46 | 430 | 6·75 |

# APPENDIX No. 26.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Levis, Province of Quebec, for the undermentioned years.

| Years. | Population, 1881-7,597 | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 7,390 | 137 | 18·53 | 97 | 13.12 |
| 1889 | 7,360 | 161 | 21·87 | 112 | 15.21 |
| 1890 | 7,330 | 133 | 18·14 | 92 | 12.55 |
| 1891 | 7,301 | 106 | 14·51 | 76 | 10.40 |
| 1892 | 7,280 | 124 | 17·03 | 82 | 15.26 |
| 1893 | 7,260 | 82 | 11·29 | 55 | 7.57 |

# APPENDIX No. 27.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Sherbrooke, Province of Quebec, for the undermentioned years.

| Years. | Population, 1881-7,227 | Total arrests, | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 9,177 | 308 | 33.54 | 219 | 23.86 |
| 1889 | 9,460 | 297 | 31.39 | 174 | 18.39 |
| 1890 | 9,923 | 314 | 31.64 | 185 | 18.64 |
| 1891 | 10,110 | 271 | 26.80 | 165 | 16.32 |
| 1892 | 10,000 | 289 | 28.90 | 165 | 16.50 |
| 1893 | 10,000 | 266 | 26.60 | 203 | 20.30 |

# APPENDIX No. 28.

STATEMENT of total arrests for all offences and arrest for drunkenness in the city of Montreal, P. Q.

| Year. | Population. | Total arrests. | Ratio per M of population. | Arrests for drunkenness. | Ratio per M of population. |
|---|---|---|---|---|---|
| 1880 | 149,000 | 6,410 | 43·02 | 2,868 | 19·24 |
| 1881 | 155,237 | 6,535 | 42·09 | 2,753 | 17·73 |
| 1882 | 161,378 | 7,077 | 43·85 | 3,177 | 19·68 |
| 1883 | 167,519 | 7,376 | 44·03 | 3,620 | 21·60 |
| 1884 | 173,660 | 6,419 | 36·96 | 2,126 | 12·24 |
| 1885 | 179,801 | 5,828 | 32·41 | 1,718 | 9·55 |
| 1886 | 185,942 | 6,590 | 35·44 | 2,162 | 11·62 |
| 1887 | 192,083 | 7,597 | 39·55 | 2,597 | 13·52 |
| 1888 | 198,224 | 8,255 | 41·64 | 3,274 | 16·51 |
| 1889 | 204,365 | 8,878 | 43·44 | 3,153 | 15·42 |
| 1880 | 210,506 | 9,187 | 73·64 | 2,991 | 14·20 |
| 1891 | 216,650 | 8,496 | 39·21 | 2,803 | 12·93 |
| 1892 | 225,000 | 6,244 | 32·17 | 2,556 | 11·36 |
| 1893 | 235,000 | 6,279 | 29·20 | 2,440 | 10·38 |

NOTE.—In 1892, to arrests made by the police, are added 244, and in 1893, 279; for cases of breaches of the Quebec license act, taken by the provincial revenue police, before the police court. It has not been practicable to obtain particulars of these cases prior to 1892.

To the arrests made by the police, one hundred annually are added for arrests estimated to be made by the officers of the recorder's court, under both heads.

# APPENDIX No. 29.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Hull, in the Province of Quebec, for the undermentioned years.

| Years. | Population. 1881-6,890 | Total arrests. | Ratio per M of population. | Arrests for drunkenness. | Ratio per M of population. |
|---|---|---|---|---|---|
| 1888 | 9,800 | 185 | 18·87 | 75 | 7·65 |
| 1889 | 10,250 | 295 | 28·78 | 146 | *14·24 |
| 1890 | 10,700 | 172 | 16·07 | 66 | 6·16 |
| 1891 | 11,265 | 128 | 11·36 | 53 | 4·70 |
| 1892 | 11,850 | 130 | 10·97 | 40 | 3·37 |
| 1893 | 22,500 | 223 | 17·84 | 86 | 6·88 |

*No explanation has been received of the large increase in this year. Mr. John F Boult says, "I know of no causes for the increase or excess of that year over the others."

# APPENDIX No. 30.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Ottawa, Ont., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per M of population. | Arrests for drunkenness. | Ratio per M of population. |
|---|---|---|---|---|---|
| 1880 | 30,400 | 979 | 32·17 | 431 | 14·17 |
| 1881 | 31,307 | 1,089 | 34·78 | 545 | 17·40 |
| 1882 | 32,250 | 1,173 | 36·37 | 536 | 16·62 |
| 1883 | 33,375 | 995 | 29·81 | 461 | 13·81 |
| 1884 | 34,650 | 975 | 28·13 | 457 | 13·19 |
| 1885 | 35,850 | 931 | 25·96 | 423 | 11·80 |
| 1886 | 37,100 | 1,020 | 27·49 | 477 | 12·86 |
| 1887 | 38,340 | 944 | 20·62 | 456 | 11·89 |
| 1888 | 39,680 | 1,147 | 28·90 | 610 | 15·37 |
| 1889 | 41,000 | 1,134 | 27·66 | 618 | 15·00 |
| 1890 | 42,380 | 1,009 | 23·80 | 539 | 12·71 |
| 1891 | 44,154 | 833 | 18·86 | 405 | 9·17 |
| 1892 | 45,950 | 753 | 16·38 | 369 | 8·03 |
| 1893 | 47,850 | 579 | 12·10 | 261 | 5·45 |

# APPENDIX No. 31.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Brockville, Ont., for the undermentioned years.

| Years. | Population. 1881-7,609 | Total arrests. | Ratio per M. of population. | Arrests for drunkenness. | Ratio per M. of population. |
|---|---|---|---|---|---|
| 1888 | 8,430 | 249 | 29·53 | 167 | 19·81 |
| 1889 | 8,550 | 219 | 25·61 | 133 | 15·55 |
| 1890 | 8,670 | 226 | 26·06 | 139 | 16·03 |
| 1891 | 8,793 | 186 | 21·15 | 124 | 14·10 |
| 1892 | 8,920 | 217 | 24·32 | 128 | 14·34 |
| 1893 | 9,100 | 282 | 30·98 | 164 | 18·02 |

# APPENDIX No. 32.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Peterborough, Ont., in the undermentioned years.

| Years. | Population. (1881-6,812) | Total arrests. | Ratio per M of population. | Arrests for drunkenness. | Ratio per M of population. |
|---|---|---|---|---|---|
| 1890 | 9,425 | 387 | 41·06 | 149 | 15·80 |
| 1891 | 9,717 | 415 | 42·70 | 106 | 10·90 |
| 1892 | 10,000 | 381 | 38·10 | 82 | 8·20 |
| 1893 | 10,300 | 380 | 36·89 | 96 | 9·32 |

# APPENDIX No. 33.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Kingston, Ont., for the undermentioned years.

| Years. | Population. (1881-14,091) | Total arrests. | Ratio per M of population. | Arrests for drunkenness. | Ratio per M of population. |
|---|---|---|---|---|---|
| 1888 | 17,550 | 683 | 38·91 | 495 | 28·20 |
| 1889 | 18,100 | 552 | 30·49 | 379 | 20·93 |
| 1890 | 18,660 | 593 | 31·77 | 409 | 21·91 |
| 1891 | 19,264 | 507 | 26·31 | 352 | 18·27 |
| 1892 | 19,880 | 430 | 21·68 | 273 | 13·73 |
| 1893 | 20,520 | 449 | 21·88 | 322 | 15·69 |

# APPENDIX No. 34.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Belleville, Ont., for the undermentioned years.

| Years. | Population. 1881—9,516 | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 9,794 | 860 | 87·80 | 226 | 23·07 |
| 1889 | 9,834 | 685 | 69·65 | 241 | 24·50 |
| 1890 | 9,874 | 637 | 64·51 | 246 | 24·91 |
| 1891 | *9,914 | 577 | 58·20 | 183 | 18·45 |
| 1892 | 9,955 | 512 | 51·43 | 129 | 12·95 |
| 1893 | 10,000 | 507 | 50·70 | 118 | 11·80 |

* Census returns.—other years estimated.

# APPENDIX No. 35.

STATEMENT of total arrests for all offences and arrests for drunkenness in the city of Toronto, Ont., for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per M. of population. | Arrests for drunkenness. | Ratio per M. of population. |
|---|---|---|---|---|---|
| 1880 | 86,700 | 5,939 | 68·50 | 2,873 | 33·13 |
| 1881 | 96,196 | 5,646 | 58·69 | 2,908 | 30·22 |
| 1882 | 105,618 | 5,851 | 55·40 | 2,974 | 28·15 |
| 1883 | 115,040 | 6,636 | 57·68 | 3,407 | 29·61 |
| 1884 | 124,462 | 7,388 | 59·35 | 3,644 | 29·27 |
| 1885 | 133,884 | 7,954 | 51·94 | 3,864 | 28·86 |
| 1886 | 143,306 | 8,570 | 59·81 | 4,283 | 29·88 |
| 1887 | 152,728 | 10,597 | 69·38 | 5,209 | 34·06 |
| 1888 | 162,150 | 10,905 | 67·25 | 4,882 | 30·11 |
| 1889 | 171,572 | 11.587 | 67·53 | 5,441 | 31·13 |
| 1890 | 180,994 | 11,194 | 61·84 | 5,203 | 28·74 |
| 1891 | 181,000 | 9,884 | 54·60 | 3,758 | 20·76 |
| 1892 | 190,500 | 8,991 | 47·19 | 3,657 | 19·19 |
| 1893 | 200,000 | 9,397 | 46·98 | 3,644 | 18·22 |

# APPENDIX No. 36.

STATEMENT of the total arrests for all offences and arrests for drunkness in the city of Guelph, Ontario, for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per M of population. | Arrests for drunkenness. | Ratio per M of population. |
|---|---|---|---|---|---|
| 1881 | 9,890 | 248 | 25·07 | 110 | 11·12 |
| 1882 | 9,930 | 300 | 30·21 | 151 | 15·20 |
| 1883 | 9,975 | 373 | 37·41 | 236 | 23·65 |
| 1884 | 10,025 | 234 | 23·34 | 136 | 13·56 |
| 1885 | 10,080 | 270 | 26·78 | 126 | 12·50 |
| 1886 | 10,145 | 200 | 19·71 | 96 | 9·46 |
| 1887 | 10,208 | 260 | 25·47 | 93 | 9·11 |
| 1888 | 10,275 | 267 | 25·98 | 165 | 16·05 |
| 1889 | 10,350 | 280 | 27·05 | 129 | 12·46 |
| 1890 | 10,440 | 109 | 10·44 | 77 | 7·37 |
| 1891 | 10,539 | 131 | 12·43 | 65 | 6·16 |
| 1892 | 10,644 | 162 | 15·21 | 74 | 6·95 |
| 1893 | 10,755 | 149 | 13·85 | 103 | 9·57 |

# APPENDIX No. 37.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Berlin, Ont., for the undermentioned years.

| Years. | Population. (1881-4,054) | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 6,400 | 12 | 1·87 | 1 | 0·15 |
| 1889 | 6,700 | 39 | 5·82 | 3 | 0·44 |
| 1890 | 7,100 | 18 | 2·53 | 2 | 0·29 |
| 1891 | 7,425 | 9 | 1·21 | ..... | ..... |
| 1892 | 7,750 | 6 | 0·77 | ..... | ..... |
| 1893 | 8,000 | 13 | 1·62 | 1 | 0·12 |

NOTE..—The mayor said an unusually large proportion of these arrests were for vagrancy, "of persons coming here from other parts of Canada and the United States and not belonging to Berlin."

# APPENDIX No. 38.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Owen Sound, Ontario, for the undermentioned years.

| Years. | Population. — (1881-4,426.) | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1.000 of population. |
|---|---|---|---|---|---|
| 1888 | 6,575 | 445 | 67·68 | 172 | 26·15 |
| 1889 | 6,882 | 354 | 51·43 | 137 | 19·90 |
| 1890 | 7,189 | 348 | 48·40 | 75 | 10·43 |
| 1891 | 7,497 | 285 | 38·01 | 60 | 8·02 |
| 1892 | 7,803 | 330 | 42·29 | 52 | 6·66 |
| 1893 | 8,110 | 276 | 34·03 | 42 | 5·17 |

REMARKS.

The total arrests include all cases, whether arrested and brought in by the police, or on summons.

Under the head of "arrests for drunkenness" are entered those brought in by the police.

The mayor of Owen Sound, in a letter to the Commission on 25th April, 1894, says:—

"The explanation as to why arrests for drunkenness in 1888 and 1889 are so much greater than subsequent years, I may say during those years the Polson iron and ship-building works were then in operation in Owen Sound, and among the workmen a large number were foreigners, who spent their earnings in liquor. These works are closed, and the decrease since has been due to general influences, efficiency of police, education and better observance of temperate habits generally."

# APPENDIX No. 39.

STATEMENT of the total arrests for all offences and and arrests for drunkenness in the city of Hamilton, Ontario, for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1000 of population. | Arrests for drunkenness. | Ratio per 1000 of population. |
|---|---|---|---|---|---|
| 1880 | 34,820 | 2,511 | 72·11 | 579 | 16·62 |
| 1881 | 35,960 | 2,834 | 78·80 | 628 | 17·46 |
| 1882 | 37,110 | 2,926 | 78·84 | 670 | 18·05 |
| 1883 | 38,275 | 2,731 | 71·35 | 600 | 15·67 |
| 1884 | 39,450 | 2,686 | 68·09 | 482 | 12·22 |
| 1885 | 40,700 | 2,871 | 70·54 | 602 | 14·79 |
| 1886 | 41,900 | 2,435 | 58·11 | 733 | 17·49 |
| 1887 | 43,100 | 3,048 | 70·72 | 904 | 20·97 |
| 1888 | 44,380 | 2,799 | 63·07 | 850 | 19·15 |
| 1889 | 45,800 | 2,901 | 63·34 | 936 | 20·43 |
| 1890 | 47,400 | 2,575 | 54·32 | 834 | 17·59 |
| 1891 | 48,980 | 2,075 | 42·37 | 428 | 8·73 |
| 1892 | 50,460 | 1,920 | 38·05 | 360 | 7·13 |
| 1893 | 52,000 | 1,910 | 36·73 | 355 | 6·83 |

# APPENDIX No. 40.

STATEMENT of the arrests for all offences and arrests for drunkenness in the city of London, Ontario, for the undermentioned years:—

| Year. | Population. | Total Arrests. | Ratio Per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1881 | 26,266 | ..... | ..... | ..... | ..... |
| 1888 | 28,050 | 1,961 | 69·91 | 1,006 | 35·86 |
| 1889 | 28,290 | 1,855 | 65·57 | 1,123 | 39·69 |
| 1890 | 31,550 | 1,662 | 52·67 | 1,066 | 33·78 |
| 1891 | 31,977 | 1,222 | 38·21 | 671 | 20·98 |
| 1892 | 32,330 | 1,376 | 42·56 | 705 | 21·80 |
| 1893 | 32,750 | 1,326 | 40·48 | 710 | 21·68 |

NOTE.—In 1890 Ward No. 6 was added, increasing the population by about 3,000.

# APPENDIX No. 41.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Brantford, Ontario, for the undermentioned years:—

| Year. | Population. | Total arrests. | Ratio per 1000 of population. | Arrests for drunkenness. | Ratio per 1000 of population. |
|---|---|---|---|---|---|
| 1881 | 9,616 | ..... | ..... | ..... | ..... |
| 1888 | 12,080 | 1,128 | 93·37 | 380 | 31·45 |
| 1889 | 12,300 | 1,050 | 85·36 | 290 | 23·57 |
| 1890 | 12,510 | 874 | 69·86 | 200 | 15·98 |
| 1891 | 12,753 | 749 | 58·73 | 166 | 13·01 |
| 1892 | 13,030 | 816 | 62·62 | 223 | 17·11 |
| 1893 | 13,340 | 915 | 68·59 | 217 | 16·26 |

# APPENDIX No. 42.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Woodstock, Ontario, for the undermentioned years:—

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1881 | 5,373 | | | | |
| 1885 | 6,665 | 478 | 71·71 | 24 | 3·60 |
| 1886 | 6,988 | 510 | 72·98 | 57 | 8·15 |
| 1887 | 7,311 | 362 | 49·51 | 83 | 11·35 |
| 1888 | 7,634 | 275 | 36·02 | 42 | 5·50 |
| 1889 | 7,957 | 200 | 25·13 | 38 | 4·77 |
| 1890 | 8,280 | 250 | 30·19 | 90 | 10·86 |
| 1891 | 8,612 | 200 | 23·22 | 36 | 4·18 |
| 1892 | 8,940 | 200 | 22·30 | 38 | 4·25 |
| 1893 | 9,275 | 200 | 21·56 | 42 | 4·52 |

# APPENDIX No. 43.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of St. Thomas, Ontario, for the undermentioned years:—

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1881 | 8,367 | | | | |
| 1888 | 9,700 | 435 | 44·84 | 136 | 14·02 |
| 1889 | 9,900 | 385 | 38·88 | 102 | 10·30 |
| 1890 | 10,100 | 347 | 34·35 | 70 | 6·93 |
| 1891 | 10,370 | 217 | 20·92 | 57 | 5·49 |
| 1892 | 10,600 | 257 | 24·24 | 32 | 3·01 |
| 1893 | 10,800 | 275 | 25·46 | 66 | 6·11 |

# APPENDIX No. 44.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of St. Catharines, Ontario, for the undermentioned years:—

| Year. | Population. | Total arrests. | Ratio per 1,000 of the population. | Arrests for drunkenness. | Ratio per 1,000 of the population. |
|---|---|---|---|---|---|
| 1881 | 9,631 | | | | |
| 1888 | 9,320 | 323 | 34·65 | 143 | 15·34 |
| 1889 | 9,275 | 283 | 30·51 | 150 | 16·17 |
| 1890 | 9,225 | 271 | 30·67 | 144 | 15·60 |
| 1891 | 9,170 | 207 | 22·57 | 93 | 10·14 |
| 1892 | 9,120 | 239 | 26·20 | 110 | 12·06 |
| 1893 | 9,065 | 318 | 35·08 | 88 | 9·70 |

# APPENDIX No. 45.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Winnipeg, Manitoba, for the undermentioned years:—

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1881 | 7,985 | | | | |
| 1888 | 19,600 | 747 | 38·11 | 499 | 25·45 |
| 1889 | 21,550 | 978 | 45·38 | 558 | 25·89 |
| 1890 | 23,550 | 786 | 33·37 | 528 | 22·42 |
| 1891 | 25,642 | 795 | 31·00 | 505 | 19·69 |
| 1892 | 27,800 | 947 | 34·06 | 639 | 22·98 |
| 1893 | 30,100 | 968 | 32·15 | 592 | 19·66 |

# APPENDIX No. 46.

STATEMENT showing the number of convictions for all offences and for drunkenness during the year 1891, in the city of Victoria, British Columbia, and the ratio of the same to the population per thousand.

| Year. | Population. | Convictions for all offences. | Ratio per 1000 to population. | Convictions for drunkenness. | Ratio per 1000 to population. |
|---|---|---|---|---|---|
| 1891 | 16,841 | 1,104 | 65·55 | 582 | 34·56 |

Of the total offences 221 were committed by Indians or twenty per cent. Of these 175 were for drunkenness or thirty per cent of the total cases of drunkenness. Of the total offences 79 were committed by Chinese, and of these only one was for drunkenness.

# APPENDIX No. 47.

STATEMENT showing the number of convictions for all offences, the convictions for drunkenness, and the ratio of the same to the population per thousand, in the city of New Westminster, British Columbia, for the undermentioned years:—

| Year. | Population. | Convictions for all offences. | Ratio per 1000 of population. | Convictions for drunkenness. | Ratio per 1000 of population. |
|---|---|---|---|---|---|
| 1880* | 1,300† | 230 | 176·92 | 96 | 73·84 |
| 1881 | 1,500 | 186 | 124·00 | 95 | 63·33 |
| 1882 | 1,750† | 236 | 134·88 | 117 | 66·85 |
| 1883 | 2,041† | 229 | 112·19 | 112 | 54·87 |
| 1884 | 2,381† | 351 | 147·41 | 160 | 67·20 |

†Estimated.
*Supposed to be only eleven months.

# APPENDIX No. 48.

## CUSTOMS DUTIES ON IMPORTED LIQUORS (CANADA).

| —— | 1868. | 1869. | 1874. | 1875. | 1877. | 1879. | 1880. | 1883. | 1885. | 1888. | 1890. | 1891. | 1894. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts |
| Brandy.....Per gal. | 80 | ..... | 80 | ..... | 1 20 | 1 45 | ..... | ..... | 1 45 | ..... | ..... | 2 00 | ..... |
| Gin, (Geneva and Old Tom)..... " | 80 | ..... | May 1, 1 00<br>80 | ..... | 1 20 | 1 32½ | ..... | ..... | July 6, 2 00<br>1 32½ | ..... | 2 00 | June 24, 2 12½<br>2 00 | ..... |
| Rum..... " | 80 | ..... | May 1, 1 00<br>80 | ..... | 1 20 | 1 32½ | ..... | ..... | July 6, 1 75<br>1 32½ | ..... | 2 00 | June 24, 2 12½<br>2 00 | ..... |
| Whisky..... " | 80 | ..... | May 1, 1 00<br>80 | ..... | 1 20 | 1 32½ | ..... | ..... | July 6, 1 75<br>1 32½ | ..... | 2 00 | June 24, 2 12½<br>2 00 | ..... |
| Absinthe..... " | ..... | ..... | May 1, 1 00<br>..... | ..... | ..... | ..... | ..... | 2 00 | July 6, 1 75<br>..... | ..... | ..... | June 24, 2 12½<br>2 00 | ..... |
| Cordials..... " | 1 20 | ..... | 1 20<br>May 1, 1 50 | ..... | 1 80 | 1 90 | ..... | ..... | ..... | ..... | ..... | June 24, 2 12½<br>2 00 | ..... |
| Alcohol..... " | ..... | 80 | 80<br>80 | 1 50 | 1 20 | 1 90 | ..... | ..... | ..... | ..... | ..... | June 24<br>..... | ..... |
| Spirits unenumerated..... " | ..... | 1 20 | May 1, 1 00<br>1 20 | ..... | 1 80 | 1 90 | 1 32½ | ..... | 1 32½ | ..... | ..... | ..... | ..... |
| Spirits and strong water..... " | ..... | ..... | May 1, 1 50<br>..... | ..... | ..... | ..... | 1 90 | ..... | July 6, 1 75<br>..... | ..... | ..... | ..... | ..... |
| Spirits, sweeten and mixed..... " | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 1 90 | ..... | ..... | ..... |
| All spirits and alcohol..... " | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 2 00 | 2 00 | ..... |
| Cardials and liquors all kinds..... " | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 2 00 | June 24, 2 12½<br>2 00 | ..... |
| Vermouth and Ginger Wine not more than 40 % of proof..... " | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | Mar. 28, 75<br>" 2 00 | June 24, 2 12½<br>Not more than 40 % 75 | 75<br>2 12½ |

1885—Gin (including Geneva and Old Tom). Duty on Geneva only changed this year. On March 31, 1886 the duty on Old Tom was changed from $1.32½ to $1.75 per gallon.

1888—Entry of "Cordials" dropped on return 1888-89; changed to cordials and liquors of all kinds in 1890.

1890—The duty on Vermouth and Ginger Wine, from March 28, containing not more than 40 percent of proof spirits, 75c. per gallon; containing more than 40 per cent $2.00 per gallon. In 1894, the duty was changed to $2.12½ on more than 40 per cent of proof spirits.

CUSTOMS DUTIES ON WINES.

1868 *Wines of all kinds.*
*In wood* containing not over 26 per cent of spirits, 10cts per gal.
do do over 26 per cent and not more than 42 per cent 25cts. per gal.
*In bottles* containing not more than 42 per cent of spirit:—
Quarts—$1.50 per doz;
Pints—75cts. per doz.
And an additional duty of 3cts. per gallon for every degree beyond 42 degrees whether in wood or bottle.

1868 *Sparkling wines.*
Quarts—$3.00 per doz.
Pints—$1.50 per doz.

1869 *Wines of all kinds.*
20 per cent *ad val.* and a specific duty of 10cts per gal.

1870 *Wines of all kinds.*
25 per cent *ad val.* and a specific duty of 10cts. per gal.

1874 *Wine in wood*:—Containing less than 20 per cent of alcohol, 30cts. per gal.
*Bottles, not sparkling*:—$1.50 per doz., quart bottles.
*Bottles sparkling*:—$3.00 per doz., quart bottles.
All other except sparkling imported in wood—60cts. per gal.

1875 *Wine in bottles, sparkling*:—$1.25 per doz., pint bottles.

1877 *Wines of all kinds*:—Containing less than 20 per cent of alcohol and not worth more than 48cts. per gal., 36cts. per gal.
All other (except sparkling) in wood, 72cts per gal.

1879 *Wines, not sparkling*:—25cts per gal. and 3cts per gal. for each degree from 26 up to 40, and 30 per cent.
*Wines sparkling*:—
$3.00 per doz. for quarts.
$1.50 per doz. for pints.
75cts. per doz. for ½ pints.
And 30 per cent.

1883 *Wines sparkling*:—$1.50 per Imp. gal. for all over 1 quart per bottle, and in addition thereto 30 per cent.

1891 *Vermouth and Ginger wine*:—Containing not more than 40 per cent of proof spirits, 75cts. per gal.

1891 *Wines and Champagne.*

| *Up to June 24th.* | | *From June 24th.* | |
|---|---|---|---|
| Per doz. for quarts | $3.00 | Per doz. for quarts | $3.30 |
| do pints | 1.50 | do pints | 1.65 |
| do half pints | 75 | do half pints | 82 |
| $1.50 per gal. for all over 1 quart per bottle and in addition thereto 30 per cent *ad. val.* | | $1.65 per gal for all over 1 quart per bottle and in addition thereto 30 per cent *ad val.* | |

Customs duties on imported ale, beer and porter:

| | 1868. | 1877. | 1879. | 1891. |
|---|---|---|---|---|
| | Per gall. | Per gall. | Per gall. | Per gall. |
| Ale, beer and porter, in bottles | 7 cts. | 18 cts. | ..... | 18 cts. |
| | ..... | ..... | ..... | June 24. 24 cts. |
| Ale, beer and porter, in casks | 5 cts. | 12 cts. | 10 cts. | 10 cts. |
| | ..... | ..... | ..... | June 24. 16 cts. |

Excise duties on spirits, malt and malt liquor from 1867 to 1894:

| Year. | Spirits. | Malt. | Malt liquors. |
|---|---|---|---|
| | Per gall. | Per lb. | Per gall. |
| 1867 | 60 cts. | 1 ct. | 3¼ cts. |
| 1868 | 63 cts. | 1 ct. | 3¼ cts. |
| 1874 | 75 cts. | 1 ct. | 3¼ cts. |
| 1875 | *90 cts. | 1 ct. | 3¼ cts. |
| 1877 | ..... | 2 cts. | 8 cts. |
| 1879 | $1 00 | 1 ct. | 8 cts. |
| 1883 | $1 00 | 1 ct. | 4 cts. |
| 1885 | $1 30 | 1 ct. | 4 cts. |
| 1891 | $1 50 | 2 cts. | 10 cts. |
| 1894 | ..... | 1½ cts. | ..... |

*The change from wine to imperial measure came into force July 1st, 1875.

## NOVA SCOTIA.

### LICENSE FEES.

The license fees in this province established by the Provincial Act of 1886, were as follows:—

| | |
|---|---|
| Hotel license | $150 00 |
| Shop license | 100 00 |
| Brewer's wholesale license | 150 00 |
| Wholesale license | 300 00 |

The fees collected go to the municipalities.

Prior to this enactment the fees varied in almost every county. They were practically fixed by the courts of Quarter Sessions, and it has not been found practicable to get any reliable statement of what they were.

The fees above quoted apply to the whole province.

## NEW BRUNSWICK.

### LICENSE FEES.

| | 1835 to 1852. | 1854. | 1887. |
|---|---|---|---|
| | | | $ cts. |
| Tavern keepers and retailers— | | | |
| Not exceeding | £10—$40 | £25—$100 | ..... |
| Not less than | £2—$8 | £5—$20 | ..... |
| In remote places where accommodation is afforded | £1—$4 | ..... | ..... |
| St. John city, not exceeding* | £4—$16 | ..... | ..... |
| In 1855 a prohibitory liquor law was enacted in New Brunswick. | | | |
| In 1856 the prohibitory liquor law was repealed and the law of 1854 revived. | | | |
| There does not appear to have been from that date any legislation affecting license fees until 1887; but in 1884 the McCarthy Act was put in force in several counties, and continued until declared *ultra vires*. | | | |
| Under the law of 1887 licenses were— | | | |
| For taverns in cities and incorporated towns not less than | ..... | ..... | 50 00 |
| And not exceeding | ..... | ..... | 200 00 |
| *Wholesale*—Not less than | ..... | ..... | 100 00 |
| And not exceeding | ..... | ..... | 400 00 |
| Other districts—Taverns, not less than | ..... | ..... | 25 00 |
| And not exceeding | ..... | ..... | 200 00 |
| *Wholesale*—Not less than | ..... | ..... | 50 00 |
| And not exceeding | ..... | ..... | 200 00 |
| Transfers | ..... | ..... | 10 00 |
| *N.B.*—Councils fix amount and take the fees. | | | |

*May be increased at the discretion of the mayor.

## PRINCE EDWARD ISLAND.

### LICENSE FEES.

| | 1833. | 1856. | 1876. |
|---|---|---|---|
| Charlottetown | £5 5s.—$21 | ..... | ..... |
| County | £2—$8 | ..... | ..... |
| Other tavern-keepers selling not less than one quart | £3 10s.—$14 | ..... | ..... |
| Retail | £12—$48 | ..... | ..... |
| Distillers | ..... | £5—$20 | ..... |
| Tavern | ..... | ..... | $30 00 |
| Other retailers | ..... | ..... | 75 00 |

From 1880 to 1891 the Canada Temperance Act was in operation over the whole of Prince Edward Island. In 1891 the city of Charlottetown voted in favour of repealing the Act.

Licenses for the sale of liquors were not granted in the city of Charlottetown after the repeal of the Canada Temperance Act. There was uncontrolled sale up to July, 1892, and from July, 1892, sale under police regulations. In 1894 the Canada Temperance Act was again voted upon and adopted.

AMOUNT of duties imported on the kinds of licenses mentioned, in the years named, for the sale of intoxicating liquors in the province of Quebec (outside the cities of Quebec and Montreal).

| —— | 1879 | 1878 | 1877 | 1876 | 1875 | 1874 | 1873 | 1872 | 1871 | 1870 | 1869 | 1868 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Inn Licenses (general).* | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. |
| In cities | | 80 00 | | | 80 00 | 60 00 | | | | 55 00 | | 25 00 |
| Incorporated towns | | 70 00 | | | 70 00 | 50 00 | | | | 44 00 | | 25 00 |
| Villages | | 60 00 | | | 60 00 | 45 00 | | | | 39 00 | | 25 00 |
| Organized territory outside of city, town or village | | 50 00 | | | 50 00 | 45 00 | | | | 39 00 | | 25 00 |
| Non-organized territory | | 35 00 | | | 35 00 | 25 00 | | | | 19 00 | | 25 00 |
| *Inn Licenses (beer and wine).* | | | | | | | | | | | | |
| In cities | | ..... | | | 50 00 | 25 00 | | | | 21 00 | | 12 50 |
| Incorporated towns | | ..... | | | 40 00 | 25 00 | | | | 21 00 | | 12 50 |
| Villages | | ..... | | | 40 00 | 25 00 | | | | 21 00 | | 12 50 |
| Organized territory outside of city, town or village | Same rates as in 1878. | ..... | Same rates as in 1875. | Same rates as in 1875. | 40 00 | 22 00 | Same rates as in 1870. | Same rates as in 1870. | Same rates as in 1870. | 21 00 | Same rates as in 1868. | 12 50 |
| Non-organized territory | | ..... | | | 30 00 | 19 00 | | | | 19 00 | | 12 50 |
| *Retail shop licenses.* | | | | | | | | | | | | |
| In cities | | 50 00 | | | 50 00 | 30 00 | | | | 24 00 | | 15 00 |
| Incorporated towns | | 50 00 | | | 50 00 | 30 00 | | | | 24 00 | | 15 00 |
| Villages | | 50 00 | | | 50 00 | 30 00 | | | | 24 00 | | 15 00 |
| Organized territory outside of city, town or village | | 50 00 | | | 50 00 | 30 00 | | | | 24 00 | | 15 00 |
| Non-organized territory | | 20 00 | | | 20 00 | 12 00 | | | | 12 00 | | 15 00 |
| *Wholesale Shop Licenses.* | | | | | | | | | | | | |
| In cities | | * { Min. $100 / Max. $150 } | | | * { Min. $100 / Max. $150 } | 50 00 | | 30 00 | | | | |
| Incorporated towns | | * { Min. $100 / Max. $150 } | | | * { Min. $100 / Max. $150 } | 50 00 | | 30 00 | | | | |
| Every other part of organized territory | | | | | | | | 30 00 | | | | |
| *Restaurant Licenses.* | | | | | | | | | | | | |
| In cities | | 80 00 | | | 80 00 | | | | | | | |
| Incorporated towns | | 60 00 | | | 60 00 | | | | | | | |
| Every other part of organized territory | | 50 00 | | | | | | | | | | |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Steamboat Bar Licenses (general)* | 100 00 | 150 00 | Same rates as in 1875. | Same rates as in 1875. | 150 00 | 45 00 | Same rates as in 1870. | Same rates as in 1870. | Same rates as in 1870. | 39 00 | Same rates as in 1863. | 25 00 |
| *Steamboat Bar Licenses (beer and wine)* | Same rates as in 1878. | | | | 100 00 | 25 00 | | | | 21 00 | | 12 50 |
| *Railway Buffet Licenses.* | | | | | | | | | | | | |
| In cities | | 80 00 | | | | | | | | | | |
| Incorporated towns | | 60 00 | | | | | | | | | | |
| Every other part of organized territory | | 50 00 | | | | | | | | | | |
| *Inn Licenses (mining district)* | | $5.00 per month. | | | | | | | | | | |

* Based on rental or annual value.

Revenue Branch of the Treasury Department,
Quebec, June 5, 1894.

AMOUNT of duties imposed on the kinds of licenses mentioned, in the years named, for the sale of intoxicating liquors in the province of Quebec (outside of the cities of Quebec and Montreal.

| | 1892. | 1891. | 1890. | 1889. | 1888. | 1887. | 1886. | 1885. | 1884. | 1883. | 1882. | 1881. | 1880. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Inn Licenses (General).* | | | $ cts. | | $ cts. | $ cts. | | | | | | | $ cts. |
| In Cities | | | 200 00 | | 137 50 | 110 00 | | | | | | | 100 00 |
| Incorporated towns | | | 180 00 | | 118 75 | 95 00 | | | | | | | 85 00 |
| Villages | | | 150 00 | | 100 00 | 80 00 | | | | | | | 70 00 |
| Organized territory outside city, town or village | | | 125 00 | | 81 25 | 65 00 | | | | | | | 55 00 |
| Non-organized territory | | | 90 00 | | 56 25 | 45 00 | | | | | | | 35 00 |
| *Inn Licenses (beer and wine).* | | | | | | | | | | | | | |
| In Cities | | | 150 00 | | ..... | ..... | | | | | | | ..... |
| Incorporated towns | | | 135 00 | | ..... | ..... | | | | | | | ..... |
| Villages | | | 112 50 | | ..... | ..... | | | | | | | ..... |
| Organized territory outside city, town or village | | | 93 75 | | ..... | ..... | | | | | | | ..... |
| Non-organized territory | | | 67 50 | | ..... | ..... | | | | | | | ..... |
| *Restaurant Licenses (beer and wine).* | | | | | | | | | | | | | |
| In Cities | | | 150 00 | | ..... | ..... | | | | | | | ..... |
| Incorporated towns | | | 112 50 | | ..... | ..... | | | | | | | ..... |
| Every other part of organized territory | | | 90 00 | | ..... | ..... | | | | | | | ..... |
| *Retail Liquor Shop Licenses.* | | | | | | | | | | | | | |
| In Cities | | | 200 00 | | 100 00 | 80 00 | | | | | | | 70 00 |
| Incorporated towns | | | 160 00 | | 87 50 | 70 00 | | | | | | | 60 00 |
| Organized territory outside, etc | | | 125 00 | | 75 00 | 60 00 | | | | | | | 50 00 |
| Non-organized territory | | | 70 00 | | 43 75 | 35 00 | | | | | | | 25 00 |
| *Wholesale Liquor Shop Licenses.* | | | | | | | | | | | | | |
| In Cities | | | 225 00 | | 112 50 | 90 00 | | | | | | | 80 00 |
| Incorporated towns | | | 200 00 | | 100 00 | 80 00 | | | | | | | 70 00 |
| Every other part of organized territory | | | 160 00 | | 87 50 | 70 00 | | | | | | | 60 00 |
| *Restaurant Licenses (general).* | | | | | | | | | | | | | 90 00 |
| In Cities | | | 200 00 | | 125 00 | 100 00 | | | | | | | 70 00 |
| Incorporated towns | | | 150 00 | | 100 00 | 80 00 | | | | | | | 55 00 |
| Every other part of organized territory | | | 120 00 | | 81 35 | 65 00 | | | | | | | 150 00 |
| *Steamboat Bar Licenses* | | | 300 00 | | 200 00 | 160 00 | | | | | | | |
| *Railway Buffet Licenses.* | | | | | | | | | | | | | |
| In Cities | | | 200 00 | | 125 00 | 100 00 | | | | | | | 90 00 |
| Incorporated towns | | | 150 00 | | 100 00 | 80 00 | | | | | | | 70 00 |
| Every other part of organized territory | | | 120 00 | | 81 25 | 65 00 | | | | | | | 55 00 |

Same rates as in 1890. | Same rates as in 1890. | Same rates as in 1888. | Same rates as in 1880. | Same rates as in 1880. | Same rates as in 1880. | Same rates as in 1880. | Same rates as in 1880. | Same rates as in 1880.

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Inn Licenses (mining district).* | Same rates as in 1890 | Same rates as in 1890. | 125 00 | Same rates as in 1888. | 75 00 | 60 00 | Same rates as in 1880. | Same rates as in 1880. | Same rates as in 1880. | Same rates as in 1880. | Same rates as in 1880. | Same rates as in 1880. | 50 00 |
| *Cider Licenses.* | | | | | | | | | | | | | |
| Every part of organized territory | | | 10 00 | | | | | | | | | | |
| *Bottlers' Licenses.* | | | | | | | | | | | | | |
| In all cities and municipalities outside Quebec and Montreal | | | 90 00 | | 62 50 | 50 00 | | | | | | | 40 00 |
| *Medicinal and Religious Purposes.* | | | | | | | | | | | | | |
| In municipalities where prohibitory by-law is in force. | | | | | | | | | | | | | 20 00 |
| In Cities | 200 00 | | 120 00 | | 75 00 | ..... | | | | | | | 10 00 |
| Incorporated towns | 160 00 | | 75 00 | | 50 00 | ..... | | | | | | | 2 00 |
| Villages | 125 00 | | 40 00 | | 25 00 | ..... | | | | | | | 1 00 |
| Every other part of organized territory | 125 00 | | 30 00 | | 20 00 | ..... | | | | | | | ..... |
| Non-organized territory | 70 00 | | ..... | | ..... | ..... | | | | | | | |
| *Vendors (retail) under Canada Temperance Act.* | | | | | | | | | | | | | |
| In Cities | 200 00 | | 130 00 | | 87 50 | ..... | 70 00 | License rates first established by 49-50 Vic., cap. 3. | | | | | |
| Towns | 160 00 | | 90 00 | | 62 50 | ..... | 50 00 | | | | | | |
| Townships and parishes | 125 00 | | 50 00 | | 31 25 | ..... | 25 00 | | | | | | |
| Non-organized territory | 50 00 | | ..... | | ..... | ..... | ..... | | | | | | |
| *Vendors (wholesale) under Canada Temp. Act.* | | | | | | | | | | | | | |
| In Cities | 225 00 | | 150 00 | | 100 00 | | 80 00 | License rates first established by 49-50 Vic., cap. 3. | | | | | |
| Towns | 200 00 | | 130 00 | | 87 50 | | 70 00 | | | | | | |
| Townships and parishes | 160 00 | | 115 00 | | 75 00 | | 60 00 | | | | | | |
| NEW LICENSES IMPOSED, 1892. | | | | | | | | | | | | | |
| *Dining Car Licenses.* | | | | | | | | | | | | | |
| To sell beer and wine on railway trains | 50 00 | | | | | | | | | | | | |
| *Sample and Commission Licenses.* | | | | | | | | | | | | | |
| To sell intoxicating liquors by sample or commission | 200 00 | | | | | | | | | | | | |
| *Native Wine Licenses.* | | | | | | | | | | | | | |
| To sell native wines manufactured by the vendor | 10 00 | | | | | | | | | | | | |
| *Druggists' Licenses.* | | | | | | | | | | | | | |
| Outside of Montreal and Quebec | 100 00 | | | | | | | | | | | | |

Revenue Branch of the Treasury Department,
Quebec, June 5th, 1894.

AMOUNT of duties imposed on the kinds of licenses mentioned, in the years named, for the sale of intoxicating liquors in the cities of Montreal and Quebec.

| — | 1880. | Maximum. | Minimum. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | Inn Licenses— | | |
| Montreal | Rate varies with rental | 400 00 | 200 00 |
| Quebec | " " " | 300 00 | 125 00 |
| | Restaurant Licenses— | | |
| Montreal | Rate varies with rental | 400 00 | 200 00 |
| Quebec | " " " | 250 00 | 150 00 |
| | Retail Shop Licenses— | | |
| Montreal | Rate varies with rental | 150 00 | 70 00 |
| Quebec | " " " | 150 00 | 70 00 |
| | Wholesale Liquor Shop Licenses— | | |
| Montreal | Rate varies with rental | 200 00 | 100 00 |
| Quebec | " " " | 200 00 | 100 00 |
| | Fermented Liquors— | | |
| Montreal | Rate | 50 00 | ..... |
| Quebec | " | 50 00 | ..... |
| | 1881, 1882, 1883, 1884, 1885 and 1886. | | |
| Montreal | Same rates as in 1880. | | |
| Quebec | " " " " | | |
| | 1887. | | |
| | Inn Licenses— | | |
| Montreal | Rate varies with rental | 410 00 | 210 00 |
| Quebec | " " " | 310 00 | 135 00 |
| | Restaurant Licenses— | | |
| Montreal | Rate varies with rental | 410 00 | 210 00 |
| Quebec | " " " | 260 00 | 160 00 |
| | Retail Liquor Shop Licenses— | | |
| Montreal | Rate varies with rental | 160 00 | 80 00 |
| Quebec | " " " | 160 00 | 80 00 |
| | Wholesale Liquor Shop Licenses— | | |
| Montreal | Rate varies with rental | 210 00 | 110 00 |
| Quebec | " " " | 210 00 | 110 00 |
| | Fermented Liquors— | | |
| Montreal | Rate | 60 00 | ..... |
| Quebec | " | 60 00 | ..... |
| | 1888. | | |
| | Inn Licenses— | | |
| Montreal | Rate varies with rental | 512 50 | 262 50 |
| Quebec | " " " | 387 50 | 168 75 |
| | Restaurant Licenses— | | |
| Montreal | Rate varies with rental | 512 50 | 262 50 |
| Quebec | " " " | 325 00 | 200 00 |
| | Retail Liquor Shop Licenses— | | |
| Montreal | Rate varies with rental | 200 00 | 100 00 |
| Quebec | " " " | 200 00 | 100 00 |
| | Wholesale Liquor Shop Licenses— | | |
| Montreal | Rate varies with rental | 262 50 | 137 50 |
| Quebec | " " " | 262 50 | 137 00 |
| | Fermented Liquors— | | |
| Montreal | Rate | 75 00 | ..... |
| Quebec | " | 75 00 | ..... |
| | 1889. | | |
| Montreal | Same rates as in 1888. | | |
| Quebec | " " " " | | |
| | 1890. | | |
| | Inn Licenses— | | |
| Montreal | Rate varies with rental | 800 00 | 400 00 |
| Quebec | " " " | 650 00 | 250 00 |

AMOUNT of duties imposed on the kinds of Licenses, &c.—*Continued.*

| — | 1890. | Maximum. | Minimum. |
|---|---|---|---|
| | | $ cts. | $ cts. |
| | Restaurant Licenses— | | |
| Montreal | Rate varies with rental | 800 00 | 400 00 |
| Quebec | " " " | 500 00 | 300 00 |
| | Retail Liquor Shop Licenses— | | |
| Montreal | Rate varies with rental | 400 00 | 200 00 |
| Quebec | " " " | 400 00 | 200 00 |
| | Wholesale Liquor Shop Licenses— | | |
| Montreal | Rate varies with rental | 520 00 | 280 00 |
| Quebec | " " " | 520 00 | 280 00 |
| | Fermented Liquors— | | |
| Montreal | Rate | 125 00 | ..... |
| Quebec | " | 125 00 | ..... |
| | 1891. | | |
| Montreal | Same rates as in 1890. | | |
| Quebec | " " " " | | |
| | 1892. | | |
| | Fermented Liquors— | | |
| Montreal, Quebec | If a Brewer | 200 00 | ..... |
| | If not a Brewer | 125 00 | ..... |
| | For each vehicle | 10 00 | ..... |
| | Druggist's Licenses— | | |
| Montreal | Rate | 150 00 | ..... |
| Quebec | " | 150 00 | ..... |
| | Same rates as in 1891 on all other licenses. | | |

REVENUE BRANCH, TREASURY DEPARTMENT,
QUEBEC, 30th June, 1892.

## Statement of fees payable for liquor licenses in the Province of Ontario.

| | Tavern. | | Shop. | | Saloon. | | Wholesale. | | Vessels. | |
|---|---|---|---|---|---|---|---|---|---|---|
| | By the province. | By the municipality | By the province. | By the municipality | By the province. | By the municipality | By the province. | By the municipality | By the province. | By the municipality |
| 1867. | $ cts. | Such sums as had been imposed by by-law. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. |
| City | 12 00 | | | | | | | | | |
| Town | 10 00 | | | | | | | | | |
| Other municipality | 5 00 | | | | | | | | | |
| 1868. | | $ cts. | | | | | | | | |
| City | 20 00 | 60 00 | ..... | ..... | ..... | 95 00 | ..... | ..... | 20 00 | ..... |
| Town | 17 00 | 43 00 | 12 00 | 38 00 | 25 00 | 75 00 | ..... | ..... | ..... | ..... |
| Other municipality | 10 00 | 20 00 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| 1873-4. | | | | | | | | | | |
| City | 30 00 | 50 00 | Minimum, 25 00 | 25 00 | 35 00 | 85 00 | ..... | ..... | 30 00 | ..... |
| Town | 25 00 | 35 00 | 25 00 | 25 00 | ..... | 25 00 | ..... | ..... | ..... | ..... |
| Other municipality | 15 00 | 15 00 | Village, 25 00<br>Township, 15 00 | 25 00<br>15 00 | ..... | 15 00 | ..... | ..... | ..... | ..... |
| 1875. | | | | | | | | | | |
| City | 30 00 | 50 00 | Minimum, 30 00 | 50 00 | 35 00 | 65 00 | ..... | ..... | ..... | ..... |
| Town | 25 00 | 35 00 | 25 00 | 35 00 | ..... | 45 00 | 50 00 | 50 00 | 30 00 | ..... |
| Other municipality | 15 00 | 15 00 | 15 00 | 15 00 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1876-7 to 1884. | Province and municipalities combined :—⅓ to province, ⅔ to municipality, with power to municipality to increase their share to $200. | | Province and municipality. | | | | | Prov. & mun. | | Prov. & mun. |
| City | | $100 00 | 100 00 | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Town | | 80 00 | 80 00 | ..... | ..... | ..... | ..... | 150 00 | ..... | 100 00 |
| Other municipality | | 60 00 | 60 00 | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| 1884. | Province and municipality same as 1876. | Prov. & mun. | | Prov. & mun. | | | | Prov. & mun. | | Prov. & mun. |
| | $ cts. | $ cts. | | | | | | | | |
| City | 60 00 | 100 00 | 60 00 | 100 00 | ..... | ..... | ..... | ..... | ..... | ..... |
| Town | 30 00 | 80 00 | 30 00 | 80 00 | ..... | ..... | 75 00 | 150 00 | 25 00 | 100 00 |
| Other municipality | Vil'ge, 20 00<br>Twshp, 12 00 | ..... | 20 00<br>12 00 | Other municipality, 60 00 | ..... | ..... | ..... | ..... | ..... | ..... |

| 1886. | Province and municipality as 1876. | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | $ cts. | Prov. & mun. $ cts. | | | Prov. & mun. | | | Prov. & mun. | | Prov. & mun. |
| City | 150 00 | 100 00 | 150 00 | 100 00 | 200 00 | ..... | ..... | ..... | ..... | ..... |
| Town | 70 00 | 80 00 | 70 00 | 80 00 | 170 00 | ..... | 100 00 | 150 00 | 75 00 | 100 00 |
| Village | 60 00 | 60 00 | 60 00 | 60 00 | ..... | ..... | ..... | ..... | ..... | ..... |
| Township | 30 00 | ..... | 30 00 | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

NOTE.—At the time of confederation liquor licenses were issued as follows:—Municipal councils would, by by-law, direct the number of licenses and the persons to whom they were to be issued, and they also fixed the fee to be paid to the municipality over and above the provincial duty. Having decided upon the number required, forms were sent by the provincial government to a local issuer, who, upon production by the applicant of a receipt signed by the municipal treasurer for the payment of the municipal fee and the payment of the provincial fee, would issue the required form to such applicant.

In 1868 the law was amended and a minimum fee was fixed for licenses to be paid to the municipality and province respectively, over and above which the municipal councils were still empowered to add sums exclusively for the use of the municipalities.

This principle obtained until 1876, when a specific fee for the province and the municipalities was then fixed to be collected by officers appointed by the government, who were also authorized to grant the licenses. The sums so collected were to be distributed between the province and the municipalities in the proportion of one-third and two-thirds, respectively, but power still remained in the municipal councils to add to such fees, exclusively for their own use, such sums not exceeding $200, without submitting the matter to the electors, as they saw fit.

In 1884 a specific fee was added to all licenses for the sole use of the province, and these were somewhat increased in 1886. Since 1886 no change has been made.

## MANITOBA.

### LIQUOR LICENSE FEES.

*License Fees payable to the Province.*

| | |
|---|---|
| Each restaurant in cities | $250 |
| Each hotel in cities | 150 |
| In towns of less than 2,000 inhabitants. Each hotel | 100 |
| Wholesale licenses in cities and towns of over 2,000 inhabitants | 200 |
| In towns of less than 2,000 inhabitants, villages and rural municipalities | 100 |

Bottling ale and beer (one or both) one half payable for wholesale licenses.

Municipalities may by by-law impose a fee equal to the provincial fee or less. Commissioners cannot issue a license until they have evidence that such fees as are imposed by the municipalities have been paid.

All fines, under the Act, go to the province.

## NORTH-WEST TERRITORIES.

### LIQUOR LICENSE ORDINANCE 1891–92.

*Territorial License Fees: Sec* 32.

| | |
|---|---|
| Each hotel | $200 |
| Each wholesale | 200 |

Provided in case of bottling works, where ale and lager beer only, is bottled, the fee shall be one half of the fee payable for the wholesale license.

Applicants for licenses to pay a fee of $10 when handing in their applications and an additional sum of 5% as a prosecution fund.

Municipalities have power to fix rates of license fees within their boundaries.

# APPENDIX No. 49.

## THE CANADA TEMPERANCE ACT

passed by the Dominion parliament in 1878, 41 Victoria, chapter 16, is based on the principle of local option, being enforced only in those localities where the electors, by a majority of the votes polled at a poll specially held, have declared their preference for the Act.

### PROCEEDINGS FOR BRINGING THE ACT INTO FORCE.

Section 2. The expression "county" includes every town, township, parish and other division or municipality, except a city, with the territorial limits of the county and also a union of counties united for municipal purposes; and in Manitoba it means the electoral districts therein, as designated by "The Representation Act."

Sections 4 and 9. On a petition to his Excellency the Governor-General in Council, signed by one-fourth of the electors in any county or city, qualified to vote in the Dominion elections, and accompanied by satisfactory evidence of the genuineness of the signatures and the publicity of the proceedings, the Governor in Council issues a proclamation appointing a returning officer and fixing a day for polling, etc. The proclamation is published in the *Canada Gazette* and the *Official Gazette* of the province.

Sections 10 and 58. Only one day allowed for voting. The returning officer appoints a deputy for each polling place. At the close of the poll, the deputy counts the ballots in the presence of the agents on each side, and declares the result. He then replaces the ballots in the box with voters' list, etc., relocks and seals the ballot box and delivers it to the returning officer, who at the time and place fixed by the proclamation opens all the boxes and counts all the ballots in the presence of the agents or three electors. If more than half the votes polled are for the petition, it is considered adopted; otherwise it is not.

Section 61. Within a week after the summing up of the votes any elector may apply for a scrutiny to any judge of the superior or supreme or county court, but he must support his petition by affidavit, give such notice as the judge may direct, and either deposit a hundred dollars as security for costs, or furnish two sureties in a like sum.

Sections 62 and 63. On the day fixed by him the judge makes a recount, hears the evidence, and decides summarily whether the majority of votes was for or against the petition. His decision is final.

Sections 58 and 59. Within two weeks after the summing up of the votes or, in the case of a scrutiny, immediately after the judge has given his decision, the returning officer shall transmit his return to the Secretary of State. This return shall include the voters' lists and any other documents used in the election.

Sections 64 and 93 are clauses providing for secrecy in voting, preservation of peace and good order, prevention of corrupt and other illegal acts, and the procedure relating therefor.

Section 94—When half or more of the votes polled are against the petition, no similar petition shall be entertained for a period of three years.

### PROCLAIMING THE ACT.

Section 95. At any time after sixty days from the adoption of the petition, the Governor in Council may declare, by order in council, this Act in force from the day on which the licenses for the sale of liquor in the county or city in question will expire, provided such day is not less than ninety days from the date of the order-in-council. Otherwise the Act shall take effect only in one year from such day.

## BRITISH COLUMBIA.

LICENSE FEES.

| —— | 1872. | 1873. | 1876. | 1880. | 1881. | 1882. | 1884. | 1888. | 1889. | 1890. | 1891. | 1892. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | $ | $ | $ | $ | $ | $ | $ | $ | $ | $ | $ | $ |
| Municipalities : Retail—Cities | 12 mo. 200 | ..... | ..... | ..... | 6 mos. 100 | ..... | 6 mos. 500 | 6 mos. 100 | 6 mos. 100 | 6 mos. 100 to 200 | 6 mos. 100 to 200 | 6 mos. 100 to 200 |
| do Townships | 12 mo. 60 | ..... | ..... | ..... | 6 mos. 30 | ..... | 6 mos. 125 | 6 mos. 30 | 6 mos. 30 | 6 mos. 30 to 100 | 6 mos. 50 to 100 | 6 mos. 50 to 100 |
| Wholesale (2 gall) | 12 mo. 50 | ..... | ..... | ..... | 6 mos. 25 | ..... | 6 mos. 100 | 6 mos. 25 | 6 mos. 50 | ..... | 6 mos. up to 50 | ..... |
| Towns with population of not less than fifty : Retailers not less than | ..... | 6 mos. 30 | 6 mos. 30 | ..... | ..... | ..... | ..... | 6 mos. 100 | ..... | ..... | ..... | ..... |
| Rural districts, 6 mos | .... .... | 6 mos. 10 | 6 mos. 10 | ..... | ..... | ..... | ..... | 6 mos. 30 | ..... | ..... | ..... | ..... |
| Wholesale, 6 mos | .... .... | 6 mos. 10 | 6 mos. 10 | ..... | ..... | ..... | ..... | 12 mo. 100 | ..... | ..... | ..... | ..... |
| Restaurant : Beer with meals | .... .... | ..... ..... | ..... ..... | ..... ..... | ..... ..... | ..... ..... | ..... ..... | 6 mos. 25 | 6 mos. 50 | ..... ..... | ..... ..... | ..... ..... |
| Private clubs | .... .... | ..... ..... | ..... ..... | 12 mo. 200 | ..... ..... | 12 mo. 100 | ..... ..... | 12 mo. 100 | 12 mo. 100 | ..... ..... | 12 mo. 100 | ..... ..... |
| Pint bottles off premises—Cities | .... .... | ..... ..... | ..... ..... | ..... ..... | ..... ..... | ..... ..... | ..... ..... | ..... ..... | 6 mos. 75 | ..... ..... | 6 mos. up to 75 | 6 mos. up to 75 |
| Hotels with at least 30 rooms | .... .... .... | ..... ..... ..... | ..... ..... ..... | ..... ..... ..... | ..... ..... ..... | ..... ..... ..... | ..... ..... ..... | ..... ..... ..... | ..... ..... ..... | ..... ..... ..... | ..... ..... ..... | 6 mos. 100 to 200 |

REVOCATION.

Section 96 and amendment. No order in council, issued under this Act, shall be revoked for three years from the coming into force under it of the Act, and no petition for the revocation of the order in council shall be submitted to a vote more than thirty days before the expiration of the three years.

Sections 97 and 98 relate to the repeal of by-laws passed under the Temperance Act of 1864.

PROHIBITION OF TRAFFIC IN INTOXICATING LIQUORS.

Section 99 and section 5 of Amendment Act of 1888, chap. 34. The Act prohibits the selling or keeping for sale intoxicating liquors, subject to the following exceptions:—

1st. Wines, exclusively for sacramental purposes, may be sold on the certificate of a clergyman.

2nd. Liquors, exclusively for medicinal purposes, may be sold on the certificate of a medical man, in quantities of not less than one pint, to be removed from the premises.

3rd. Liquors, exclusively for the use of some art, trade or manufacture, may be sold on the certificate of two justices of the peace and the affirmation of the applicant. Only druggists and vendors, thereto specially licensed, may sell the above, and their number is limited to one in each township or parish, two in each town, or one for every four thousand inhabitants in each city. Each druggist or vendor shall file the certificates, keep a register of such sales, indicating the name of the purchaser and the quantity sold, and make an annual return to the collector of inland revenue of his division.

4th. Cider may be sold by the producer at his premises.

5th. Liquor, manufactured by a brewer or distiller, may be sold at his brewery or distillery.

6th. Incorporated companies, authorized to cultivate grapes and make and sell liquor produced therefrom, may sell the same at their manufactories.

7th. Manufacturers of pure native wine from grapes grown in Canada, may, when licensed by the municipal council or other proper authority, sell the same at the place of manufacture.

8th. Traders, exclusively in wholesale trade, and duly licensed, may sell liquor by wholesale.

The exceptions in paragraphs 4, 5, 6, 7 and 8 are subject to certain restrictions. Sales cannot be made in a locality where the Act is in force, save to druggists and vendors specially licensed to sell for particular purposes, or to persons who will forthwith carry the liquor beyond the limits, and not less than ten gallons may be sold at one time except in case of beer or all, the minimum of which is fixed at eight gallons.

Section 11 of Amendment Act, 1888, chap. 35.—Nothing shall be held to interfere with the purchase or sale, by legally qualified physicians, chemists or druggists, of the following articles:—

(*a*) The official preparations of the authorized pharmacopoeas when made of full medicinal strength, and sold only for medicinal purposes.

(*b*) Physicians' prescriptions containing spirituous liquors, if sold in quantities of not more than ten ounces at any one time.

(*c*) Any patent medicine, unless such patent medicine is known to the vendor to be capable of being used as a beverage, the sale of which is a violation of "The Canada Temperance Act."

(*d*) Eau de Cologne, bay rum, or other articles of perfumery lotions, extracts, varnishes, tinctures or other pharmaceutical preparations containing alcohol, but not intended for use as beverages.

(*e*) Alcohol or methylated spirits, for pharmaceutical, chemical or mechanical uses.

2. Each such sale shall be recorded in a book kept for the purpose, giving the name and address of the purchaser, quantity and name of liquor, medical man prescribing the same, and the purpose for which it is required; and the said book shall be kept open for inspection by the proper county inspector at all times.

PENALTIES.

100. Every one who, directly or indirectly, violates the Act shall be punished as follows:—

First offence, fine of not less than $50.

Second offence, fine of not less than $100.

Third and subsequent offences, imprisonment not exceeding two months.

Employees are equally guilty with principals and liable to same penalty.

Section 5, Amendment Act, chap. 34.—Every medical man giving a false certificate is liable to a fine of $20 for first, and $40 for every subsequent offence, but he has the right to appeal, which is not allowed to other offenders.

Sections 100, 108 and 109.—All intoxicating liquors, in respect of which this Act has been violated, and their packages, shall be forfeited and the convicting magistrate may order that they be destroyed.

PROSECUTION AND PROCEDURE.

Sections 101 and 105.—Any prosecution under the Act may be brought by or in the name of the collector of inland revenue within whose official division the offence was committed, or by or in the name of any other person, before any judge of the sessions of the peace, recorder, police magistrate, commissioner of a parish court, two justices of the peace or magistrates having the power or authority of two or more justices of the peace having jurisdiction where the offence was committed.

Section 106 and 107.—Every prosecution shall be commenced within three months after the alleged offence was committed, and be conducted according to the "Act respecting summary procedures and before justice of the peace."

PROOF.

Section 110 describes what it shall suffice to state in describing offences.

Section 111.—When intoxicating liquor is found in a place containing a bar or other fitting usually found in taverns, the burthen of proof is on the defendant.

Section 112.—It is not necessary to show that money actually passed or that liquor was actually consumed, if the court is satisfied that any unlawful disposal actually took place.

Section 113.—The witness need not depose directly to the precise description of the liquor, or the precise consideration therefor, or to his personal and certain knowledge. As soon as it appears to the magistrate that the circumstances in evidence sufficiently establish the violation of the law, he shall put the defendant on his defence, and in default of the defendant's rebuttal of such evidence, shall convict him accordingly.

Section 114.—The wife or husband of the defendant shall be competent and compellable to give evidence.

Section 115 deals with subsequent offences.

Sections 116 and 118.—No variance between the information and the evidence shall prejudice the proceedings, and any application to quash convictions shall be decided on the merits alone.

Section 119.—No appeal allowed by certiorari or otherwise, except in the case of medical men fined for giving false certificates, under section 5 of the amended Act.

COMPOUNDING OFFENCES.

Section 120.—Penalty, imprisonment with hard labour for a term not exceeding three months, to the violator of the Act who compounds or settles or attempts to compound or settle. Similar imprisonment, but without hard labour, to anyone else who is concerned in, or is a party to, such compromise.

TAMPERING WITH WITNESSES.

Section 121.—Tampering with a witness, either before or after he is summoned, or inducing him to absent himself, punishable by a fine of $50 for each offence.

# APPENDIX No 50.

STATEMENT of the counties and places in which the "Canada Temperance Act" has been voted upon since 1878, the number of votes cast for and against the same, and the total number of voters in each of such Counties and Places.

| Year | Place. | Total Number of Voters. | Total Number voting. | Voting | |
|---|---|---|---|---|---|
| | | | | For. | Against. |
| 1879.. | Albert, N.B | 2,264 | 832 | 718 | 114 |
| 1881.. | Annapolis, N.S | 3,078 | 1,225 | 1,111 | 114 |
| 1884.. | Arthabaska, Que | 3,122 | 1,722 | 1,487 | 235 |
| 1888.. | do | ..... | 685 | 230 | 455 |
| 1885.. | Argenteuil, Que | 2,990 | 1,127 | 526 | 601 |
| 1884.. | Bruce, Ont | 12,241 | 7,690 | 4,501 | 3,189 |
| 1888.. | do | 14,633 | 9,778 | 3,693 | 5,085 |
| 1884.. | Brant, Ont | 5,660 | 2,778 | 1,690 | 1,088 |
| 1889.. | do | 8,774 | 3,730 | 1,289 | 1,441 |
| 1884.. | Brantford (City), Ont | 2,403 | 1,458 | 646 | 812 |
| 1885.. | Brome, Que | 3,383 | 1,963 | 1,224 | 739 |
| 1893.. | do | ..... | 2,280 | 1,207 | 1,073 |
| 1879.. | Charlotte, N.B | 4,217 | 1,016 | 867 | 149 |
| 1891.. | do | 5,246 | 2,640 | 1,785 | 855 |
| 1879.. | Carleton, N.B | 3,856 | 1,284 | 1,215 | 69 |
| 1879.. | Charlottetown, P.E.I | 1,879 | 1,090 | 837 | 253 |
| 1884.. | do | ..... | 1,470 | 755 | 715 |
| 1887.. | do | 1,811 | 1,358 | 689 | 669 |
| 1891.. | do | 1,754 | 1,386 | 686 | 700 |
| 1894.. | do | ..... | 1,446 | 734 | 712 |
| 1881.. | Colchester, N.S | 3,914 | 1,602 | 1,418 | 184 |
| 1889.. | do | 5,010 | 1,150 | 43 | 1,107 |
| 1881.. | Cape Breton, N.S | 3,702 | 955 | 739 | 216 |
| 1883.. | Cumberland, N.S | 4,101 | 1,822 | 1,560 | 262 |
| 1884.. | Compton, Que | 4,231 | 2,754 | 1,132 | 1,620 |
| 1885.. | Carleton, Ont | 4,196 | 4,187 | 2,440 | 1,747 |
| 1889.. | de | 4,695 | 4,089 | 1,682 | 2,407 |
| 1885.. | Chicoutimi, Que | 3,256 | 1,786 | 1,157 | 529 |
| 1894.. | do | ..... | ..... | ..... | ..... |
| 1880.. | Digby, N.S | 2,747 | 986 | 944 | 42 |
| 1884.. | Dufferin, Ont | ..... | 3,013 | 1,904 | 1,109 |
| 1888.. | do | ..... | 3,115 | 1,451 | 1,664 |
| 1885.. | Drummond, Que | 2,987 | 1,360 | 1,190 | 170 |
| 1889.. | do | ..... | 1,339 | 739 | 606 |
| 1892.. | do | 4,608 | 1,515 | 505 | 1,010 |
| 1885.. | Elgin, Ont | 9,970 | 4,814 | 3,335 | 1,479 |
| 1889.. | do | 10,726 | 2,317 | 547 | 1,770 |
| 1878.. | Fredericton, (City), N.B | 1,030 | 606 | 403 | 203 |
| 1882.. | do | 1,012 | 545 | 293 | 252 |
| 1885.. | do | 893 | 583 | 298 | 285 |
| 1889.. | do | 989 | 672 | 370 | 302 |
| 1885.. | Frontenac, Ont | 3,890 | 2,027 | 1,334 | 693 |
| 1889.. | do | 3,090 | 2,867 | 1,177 | 1,690 |
| 1885.. | Guelph (City), Ont | 1,929 | 1,220 | 694 | 526 |
| 1889.. | do | 2,909 | 1,409 | 480 | 929 |
| 1885.. | Guysboro', N.S | 2,212 | 494 | 463 | 31 |
| 1881.. | Hamilton (City), Ont | 6,436 | 4,472 | 1,661 | 2,811 |
| 1881.. | Halton, Ont | 5,275 | 2,885 | 1,483 | 1,402 |
| 1884.. | do | 5,025 | 3,714 | 1,947 | 1,767 |
| 1888.. | do | 5,670 | 3,903 | 1,853 | 2,050 |
| 1881.. | Hants, N.S | 3,769 | 1,174 | 1,082 | 92 |
| 1884.. | Huron, Ont | 13,810 | 10,291 | 5,957 | 4,304 |
| 1888 . | do | 15,963 | 10,709 | 4,695 | 6,005 |
| 1885.. | Hastings, Ont | 7,122 | 4,745 | 2,369 | 2,376 |
| 1885.. | Haldimand, Ont | 4,522 | 3,818 | 1,755 | 2,306 |

STATEMENT of the counties and places in which the "Canada Temperance Act," had been voted upon, &c.—*Continued.*

| Year. | Place. | Total Number of Voters. | Total Number voting. | Voting | |
|---|---|---|---|---|---|
| | | | | For. | Against. |
| 1882.. | Inverness, N.S | 3,996 | 1,066 | 960 | 106 |
| 1885.. | Kent, Ont | 6,432 | 6,343 | 4,368 | 1,975 |
| 1889.. | do | 9,373 | 7,290 | 2,855 | 4,455 |
| 1879.. | King's, P.E.I | 5,390 | 1,135 | 1,076 | 59 |
| 1879.. | King's, N. B | 4,415 | 1,043 | 798 | 245 |
| 1881.. | do N. S | 3,496 | 1,586 | 1,478 | 108 |
| 1885.. | Kingston (City), Ont | 2,851 | 1,627 | 785 | 842 |
| 1881. | Lisgar, Man | ..... | 367 | 247 | 120 |
| 1879.. | Lambton, Ont | 7,695 | 4,919 | 2,567 | 2,352 |
| 1881.. | do | 7,695 | 5,819 | 2,857 | 2,962 |
| 1885.. | do | 8,615 | 6,011 | 4,465 | 1,546 |
| 1889.. | do | 11,616 | 5,418 | 2,044 | 3,374 |
| 1884.. | Leeds and Grenville, Ont | 11,000 | 9,442 | 5,058 | 4,384 |
| 1889.. | do | 12,000 | 8,598 | 3,660 | 4,938 |
| 1885.. | Lanark, Ont | 8,101 | 4,460 | 2,433 | 2,027 |
| 1889.. | do | 8,832 | 3,847 | 1,538 | 2,309 |
| 1885.. | Lennox and Addington, Ont | 9,733 | 4,058 | 2,047 | 2,011 |
| 1889.. | do | 9,433 | 3,528 | 1,462 | 2,066 |
| 1885.. | Lincoln, Ont | 5,282 | 3,550 | 2,060 | 1,490 |
| 1889.. | do | 6,905 | 3,583 | 1,493 | 2,090 |
| 1879.. | Megantic, Que | 3,668 | 1,216 | 372 | 844 |
| 1880.. | Marquette, Man | ..... | 807 | 612 | 195 |
| 1885.. | Missisquoi, Que | 4,055 | 2,319 | 1,142 | 1,167 |
| 1885.. | Middlesex, Ont | 20,134 | 8,115 | 5,745 | 2,370 |
| 1889.. | do | 22,836 | 8,522 | 2,992 | 5,530 |
| 1880.. | Northumberland, N. B | 3,321 | 1,548 | 875 | 673 |
| 1892.. | do | ..... | 3,341 | 1,780 | 1,561 |
| 1884.. | Norfolk, Ont | 9,277 | 4,475 | 2,781 | 1,694 |
| 1888.. | do | 10,165 | 4,886 | 2,082 | 2,804 |
| 1885.. | Northumberland and Durham, Ont | 16,184 | 9,913 | 6,050 | 3,863 |
| 1889.. | do do | 21,873 | 9,237 | 4,305 | 4,932 |
| 1884.. | Oxford, Ont | 11,682 | 7,371 | 4,073 | 3,298 |
| 1889.. | do | 11,890 | 4,998 | 1,538 | 3,460 |
| 1885.. | Ontario, Ont | 14,490 | 5,473 | 3,412 | 2,061 |
| 1889.. | do | 15,890 | 6,653 | 2,866 | 3,787 |
| 1878.. | Prince County, P.E.I | 5,434 | 2,033 | 1,762 | 271 |
| 1884.. | do | ..... | 4,004 | 2,939 | 1,065 |
| 1882 . | Pictou, N.S | 6,052 | 2,008 | 1,555 | 453 |
| 1884.. | Peel, Ont | 3,793 | 3,804 | 1,805 | 1,999 |
| 1884.. | Prince Edward, Ont | 5,144 | 3,181 | 1,528 | 1,653 |
| 1885.. | Perth, Ont | 10,597 | 6,904 | 3,368 | 3,536 |
| 1886.. | Pontiac, Que | 4,300 | 1,468 | 533 | 935 |
| 1885.. | Peterboro', Ont | 5,157 | 3,512 | 1,915 | 1,597 |
| 1889.. | do | 5,885 | 3,490 | 1,564 | 1,926 |
| 1885.. | Prescott and Russell, Ont | 8,057 | 4,666 | 1,535 | 3,131 |
| 1886.. | Portland, N.B | 2,434 | 1,187 | 667 | 520 |
| 1890.. | do | 7,189 | 682 | 124 | 558 |
| 1879.. | Queen's, Ont | 3,387 | 496 | 315 | 181 |
| 1880.. | do P.E.I | 3,387 | 1,416 | 1,317 | 99 |
| 1881.. | do N.S | 1,712 | 845 | 763 | 82 |
| 1884.. | Renfrew, Ont | 5,113 | 2,766 | 1,748 | 1,018 |
| 1888.. | do | 6,815 | 4,250 | 1,670 | 2,580 |
| 1888.. | Richmond, Que | 3,657 | 1,952 | 1,231 | 721 |
| 1881.. | Sunbury, N.B | 1,382 | 215 | 176 | 41 |
| 1881.. | Shelburne, N.S | 2,462 | 961 | 807 | 154 |
| 1882.. | St. John (City) N.B | 2,929 | 2,150 | 1,074 | 1,076 |
| 1886.. | do | 5,632 | 3,297 | 1,610 | 1,687 |
| 1884.. | Simcoe, Ont | 13,915 | 10,241 | 5,712 | 4,529 |
| 1888.. | do | 18,652 | 10,890 | 3,894 | 6,996 |
| 1880.. | Stanstead, Que | 3,235 | 1,701 | 760 | 941 |
| 1884.. | do | 3,460 | 2,275 | 1,300 | 975 |
| 1888. | do | 4,593 | 2,516 | 1,187 | 1,329 |
| 1885.. | St. Thomas, Ont | 1,893 | 1,497 | 754 | 743 |
| 1889.. | do | 2,922 | 1,430 | 429 | 1,001 |

STATEMENT of the counties and places in which the "Canada Temperance Act," had been voted upon, &c.—*Concluded.*

| Year. | Place. | Total Number of Voters. | Total Number voting. | Voting | |
|---|---|---|---|---|---|
| | | | | For. | Against. |
| 1886.. | St. John (County) N.B | 4,497 | 891 | 467 | 424 |
| 1892.. | do | ..... | 1,271 | 556 | 715 |
| 1884.. | Stormont and Dundas, Ont | 8,833 | 7,474 | 4,590 | 2,884 |
| 1888.. | do do | 10,642 | 8,453 | 3,155 | 5,298 |
| 1885.. | Victoria, Ont | 7,881 | 3,969 | 2,467 | 1,502 |
| 1889.. | do | 8,910 | 4,112 | 1,560 | 2,552 |
| 1881.. | Wentworth, Ont | 6,754 | 3,820 | 1,611 | 2,209 |
| 1879.. | Westmoreland, N.B | 5,548 | 1,381 | 1,082 | 299 |
| 1884.. | do | 5,979 | 3,475 | 1,774 | 1,701 |
| 1888.. | do | 7,377 | 4,162 | 2,464 | 1,698 |
| 1885.. | Wellington, Ont | 15,939 | 7,602 | 4,516 | 3,086 |
| 1889.. | do | 16,736 | 6,028 | 2,084 | 3,944 |
| 1881.. | Welland, Ont | 5,451 | 3,988 | 1,610 | 2,378 |
| 1884.. | Yarmouth, N.S | 3,102 | 1,383 | 1,287 | 96 |
| 1878.. | York, N.S | 4,660 | 1,443 | 1,229 | 214 |
| 1884.. | do | 4,932 | 1,832 | 1,178 | 655 |

# APPENDIX No. 50*a*.

STATEMENT showing the number of counties &c., in, and number of times on, which the "Canada Temperance Act" has been voted upon since 1878, and the result.

| Years in which the Act was voted upon. | | | | | | | | | | | | | | | | | Counties, &c. | Result. | | | | | | | | | | | | | | | | |

| | | |

STATEMENTS showing the number of counties, &c.—*Con.*

| YEARS in which the Act was voted upon. | | | | | | | | | | | | | | | | Counties, &c. | Result. | | | | | | | | | | | | | | | |

# APPENDIX No. 51.

STATEMENT SHOWING THE NUMBER OF PLACES IN WHICH THE SCOTT ACT IS IN FORCE.

| | | | |
|---|---|---|---|
| Albert | N.B. | King's | P.E.I. |
| Annapolis | N.S. | King's | N.S. |
| Brome | Que. | Northumberland | N.B. |
| Charlotte | N.B. | Prince | P.E.I. |
| Carleton | N.B. | Pictou | N.S. |
| Charlottetown | P.E.I. | Queen's | N.B. |
| Cape Breton | N.S. | Queen's | P.E.I. |
| Cumberland | N.S. | Queen's | N.S. |
| Digby | N.S. | Richmond | Que. (Dunkin Act.) |
| Fredericton | N.B. | Sunbury | N.B. |
| Guysboro' | N.S. | Shelburne | N.S. |
| Hants | N.S. | Westmoreland | N.B. |
| Inverness | N.S. | Yarmouth | N.S. |
| Kings's | N.B. | York | N.B. |

# APPENDIX No 52.

ONTARIO

TOTAL Number of persons committed to the Common Gaols of the province in each year from the 1st of October, 1868, to the 30th September, 1892. (Page 8.)

| Year ending | | Year ending | |
|---|---|---|---|
| 30th September, 1876 | 11,236 | 30th September, 1885 | 11,426 |
| " " 1877 | 13,481 | " " 1886 | 10,645 |
| " " 1878 | 12,030 | " " 1887 | 11 017 |
| " " 1879 | 11,220 | " " 1888 | 12,454 |
| " " 1880 | 11,300 | " " 1889 | 12,531 |
| " " 1881 | 9,229 | " " 1890 | 11,810 |
| " " 1882 | 9,620 | " " 1891 | 10,423 |
| " " 1883 | 9,880 | " " 1892 | 9,001 |
| " " 1884 | 12,081 | " " 1893 | 8,619 |

# APPENDIX No. 53.

## ONTARIO.

COMPARATIVE Statement showing the number of Prisoners committed to the County Gaols for Drunkenness, during the years 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892 and 1893.

| County or District. | 1876 | 1877 | 1878 | 1879 | 1880 | 1881 | 1882 | 1883 | 1884 | 1885 | 1886 | 1887 | 1888 | 1889 | 1890 | 1891 | 1892 | 1893 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Algoma | 8 | 4 | 4 | 24 | 19 | 17 | 24 | 21 | 15 | 12 | 1 | 85 | 128 | 64 | 69 | 77 | 55 | 34 |
| Brant | 97 | 84 | 75 | 63 | 81 | 64 | 80 | 75 | 58 | 28 | 91 | 112 | 147 | 218 | 182 | 112 | 89 | 120 |
| Bruce | 1 | 2 | 17 | 8 | 2 | 14 | 4 | 10 | 3 | ... | 2 | 6 | 22 | 8 | 6 | 7 | 3 | 13 |
| Carleton | 387 | 319 | 283 | 272 | 222 | 269 | 265 | 261 | 314 | 205 | 280 | 286 | 297 | 296 | 336 | 204 | 182 | 105 |
| Dufferin | .... | .... | .... | .... | .... | 1 | .... | .... | 1 | 1 | 3 | 3 | 1 | 4 | 2 | 1 | 2 | .... |
| Elgin | 31 | 41 | 47 | 54 | 53 | 45 | 61 | 92 | 82 | 57 | 30 | 25 | 29 | 23 | 20 | 32 | 12 | 15 |
| Essex | 87 | 55 | 60 | 59 | 71 | 51 | 91 | 121 | 103 | 47 | 31 | 45 | 46 | 47 | 35 | 57 | 38 | 21 |
| Frontenac | 143 | 137 | 139 | 126 | 102 | 53 | 25 | 46 | 75 | 74 | 58 | 108 | 107 | 139 | 129 | 125 | 87 | 102 |
| Grey | 15 | 13 | 14 | 35 | 40 | 23 | 23 | 19 | 28 | 36 | 20 | 21 | 29 | 27 | 17 | 13 | 14 | 11 |
| Haldimand | 7 | 2 | 6 | 10 | 15 | 6 | 4 | 7 | 7 | 18 | 15 | 17 | 24 | 25 | 15 | 22 | 7 | .... |
| Halton | 21 | 15 | 6 | 1 | 6 | 5 | 4 | 7 | 6 | 9 | 13 | 5 | 19 | 13 | 9 | 9 | 6 | 4 |
| Hastings | 20 | 13 | 43 | 34 | 16 | 35 | 67 | 57 | 50 | 45 | 34 | 51 | 67 | 39 | 49 | 34 | 18 | 24 |
| Huron | 24 | 29 | 22 | 15 | 22 | 18 | 8 | 5 | 4 | 3 | 4 | .... | 4 | 2 | 5 | 5 | 2 | 3 |
| Kent | 24 | 20 | 20 | 33 | 24 | 13 | 28 | 23 | 26 | 18 | 14 | 7 | 9 | 61 | 71 | 47 | 26 | 28 |
| Lambton | 123 | 84 | 142 | 115 | 120 | 77 | 77 | 75 | 105 | 130 | 32 | 38 | 64 | 99 | 108 | 95 | 27 | 36 |
| Lanark | 7 | 6 | 10 | 8 | 7 | 10 | 4 | 9 | 7 | 6 | 4 | 9 | 4 | 2 | 5 | 5 | 3 | 2 |
| Leeds and Grenville | 84 | 69 | 84 | 71 | 72 | 56 | 67 | 19 | 135 | 80 | 36 | 24 | 31 | 52 | 58 | 44 | 44 | 77 |
| Lennox and Addington | 6 | 4 | 5 | 9 | 11 | 14 | 11 | 18 | 20 | 6 | 3 | 8 | 7 | 4 | 22 | 23 | 12 | 9 |
| Lincoln | 56 | 98 | 68 | 51 | 44 | 55 | 41 | 65 | 39 | 29 | 21 | 21 | 28 | 33 | 24 | 12 | 9 | 21 |
| Middlesex | 155 | 106 | 211 | 193 | 235 | 210 | 242 | 269 | 445 | 277 | 338 | 404 | 408 | 540 | 332 | 213 | 150 | 218 |
| Muskoka and Parry Sound | 2 | 9 | 8 | 6 | 8 | 3 | 13 | 8 | 16 | 84 | 39 | 8 | 6 | 45 | 28 | 19 | 9 | 14 |
| Nipissing | .... | .... | .... | 1 | 1 | .... | 2 | 10 | 17 | 6 | .... | 13 | 32 | 81 | 97 | 96 | 28 | 156 |
| Norfolk | 11 | 35 | 21 | 15 | 26 | 14 | 18 | 18 | 17 | 4 | 6 | 5 | 3 | 17 | 3 | 10 | 5 | 3 |
| Northumberland and Durham | 56 | 67 | 38 | 24 | 25 | 20 | 10 | 21 | 26 | 26 | 15 | 6 | 12 | 28 | 38 | 22 | 25 | 11 |
| Ontario | 10 | 10 | 12 | 11 | 6 | 2 | 5 | 10 | 1 | 4 | .... | .... | .... | 5 | 2 | .... | 1 | 2 |
| Oxford | 57 | 30 | 46 | 55 | 54 | 47 | 32 | 28 | 51 | 21 | 28 | 50 | 64 | 55 | 51 | 34 | 24 | 38 |
| Peel | 32 | 45 | 22 | 27 | 14 | 9 | 14 | 4 | 10 | 24 | 10 | 8 | 24 | 28 | 30 | 17 | 10 | 9 |
| Perth | 54 | 75 | 56 | 35 | 39 | 26 | 20 | 37 | 14 | 17 | 15 | 12 | 9 | 16 | 14 | 4 | 7 | 9 |
| Peterborough | 5 | 11 | 5 | 5 | 27 | 27 | 38 | 71 | 30 | 27 | 13 | 11 | 26 | 20 | 45 | 24 | 22 | 16 |
| Prescott and Russell | 2 | 6 | .... | .... | 1 | 1 | 2 | 2 | .... | 3 | 1 | .... | .... | 2 | .... | 5 | 1 | 2 |
| Prince Edward | 31 | 29 | 22 | 46 | 75 | 60 | 76 | 70 | 46 | 41 | 54 | 20 | 45 | 38 | 33 | 19 | 11 | 11 |
| Renfrew | 2 | 3 | 2 | 5 | 10 | 10 | 24 | 17 | 27 | 11 | 2 | 2 | .... | 4 | 1 | .... | 5 | 7 |
| Simcoe | 66 | 91 | 133 | 82 | 407 | 62 | 56 | 87 | 99 | 31 | 35 | 16 | 28 | 46 | 34 | 34 | 19 | 10 |
| Stormont, Dundas and Glengarry | 7 | 33 | 18 | 17 | 3 | 4 | 7 | 8 | 9 | 3 | 1 | 4 | 7 | 29 | 25 | 14 | 22 | 27 |
| Thunder Bay | 78 | 105 | 95 | 81 | 83 | 126 | 88 | 296 | 705 | 153 | 119 | 148 | 148 | 135 | 125 | 120 | 135 | 109 |
| Victoria and Haliburton | 22 | 32 | 25 | 10 | 7 | 8 | 14 | 7 | 20 | 13 | 1 | 2 | 4 | 4 | 7 | 1 | 9 | 3 |
| Waterloo | 13 | 10 | 4 | 28 | 11 | 11 | 10 | 14 | 11 | 7 | 4 | 8 | 12 | 20 | 17 | 13 | 4 | 6 |
| Welland | 69 | 101 | 321 | 188 | 186 | 145 | 50 | 34 | 23 | 33 | 40 | 32 | 12 | 21 | 16 | 7 | 13 | 12 |
| Wellington | 41 | 36 | 26 | 23 | 40 | 36 | 51 | 93 | 49 | 32 | 12 | 22 | 21 | 10 | 10 | 4 | 14 | 9 |
| Wentworth | 259 | 396 | 382 | 382 | 447 | 339 | 396 | 376 | 295 | 368 | 385 | 373 | 429 | 401 | 418 | 251 | 142 | 148 |
| York | 1755 | 1807 | 1293 | 1359 | 1463 | 1342 | 1445 | 1485 | 1661 | 1707 | 1705 | 2166 | 2098 | 2096 | 2085 | 1783 | 1444 | 1207 |
| Total | 3868 | 4032 | 3785 | 3581 | 3795 | 3328 | 3497 | 3895 | 4650 | 3696 | 3555 | 4181 | 4451 | 4797 | 4573 | 3614 | 2736 | 2652 |

# APPENDIX No. 54.

ONTARIO.

NUMBER of persons committed to County Jails for all offences and for drunkenness.

| Year. | Population. | All offences. | Per 1,000 of population. | Drunkenness. | Per 1,000 of population. |
|---|---|---|---|---|---|
| 1881 | 1,926,922 | 9,229 | ..... | 3,328 | |
| 1882 | 1,944,889 | 9,620 | ..... | 3,497 | |
| 1883 | 1,963,016 | 9,880 | ..... | 3,895 | |
| 1884 | 1,981,311 | 12,081 | ..... | 4,650 | |
| Average | 1,954,034 | 10,202 | 5·22 | 3,840 | 1·96 |
| 1885 | 1,999,777 | 11,426 | ..... | 3,696 | |
| 1886 | 2,018,415 | 10,615 | ..... | 3,555 | |
| 1887 | 2,037,227 | 11,017 | ..... | 4,181 | |
| 1888 | 2,056,214 | 12,454 | ..... | 4,451 | |
| Average | 2,027,908 | 11,385 | 5·61 | 3,958 | 1·95 |
| 1889 | 2,075,378 | 12,531 | ..... | 4,797 | |
| 1890 | 2,094,721 | 11,810 | ..... | 4,573 | |
| 1891 | 2,114,321 | 10,423 | ..... | 3,614 | |
| 1892 | 2,134,026 | 9,011 | ..... | 2,736 | |
| Average | 2,104,612 | 10,944 | 5·19 | 3,930 | 1·86 |
| 1892 | 2,134,026 | 9,011 | 4·22 | 2,736 | 1·28 |
| 1893 | 2,153,915 | 8,619 | 4·00 | 2,652 | 1·23 |

# APPENDIX No. 55.

## ONTARIO.

TOTAL prisoners committed to Gaol in Scott Act Counties in the undermentioned periods, prepared from the Ontario Official Returns.

| County. | 1876 | 1877 | 1878 | 1879 | 1880 | 1881 | 1882 | 1883 | 1884 | 1885 | 1886 | 1887 | 1888 | 1889 | 1890 | 1891 | 1892 | 1893 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Halton | 60 | 470 | 44 | 389 | 245 | 131 | 147 | 97 | 140 | 252 | 373 | 255 | 493 | 332 | 327 | 358 | 274 | 225 |
| | | | 1,339 | | | | | | 1,264 | | | | | | 2,009 | | | |
| Average | | | 223⅙ | | | | | | 210⅔ | | | | | | 334⅚ | | | |
| Oxford | .... | .... | .... | .... | .... | .... | 305 | 201 | 198 | 341 | 367 | 296 | 570 | 448 | 397 | 230 | 205 | 150 | 167 |
| | | | | | | | | 1,045 | | | 1,681 | | | | 982 | | | |
| Average | .... | .... | .... | .... | .... | .... | | 261¼ | | | 420¼ | | | | 245½ | | | |
| Bruce | .... | .... | .... | .... | .... | .... | 54 | 47 | 58 | 67 | 88 | 79 | 101 | 104 | 85 | 88 | 79 | 76 |
| Dufferin | .... | .... | .... | .... | .... | .... | 35 | 43 | 56 | 63 | 57 | 57 | 60 | 71 | 65 | 66 | 54 | 44 |
| Huron | .... | .... | .... | .... | .... | .... | 87 | 58 | 90 | 61 | 62 | 70 | 130 | 74 | 84 | 72 | 51 | 51 |
| Norfolk | .... | .... | .... | .... | .... | .... | 96 | 108 | 81 | 74 | 95 | 56 | 77 | 108 | 61 | 70 | 68 | 61 |
| Renfrew | .... | .... | .... | .... | .... | .... | 74 | 78 | 113 | 131 | 72 | 57 | 60 | 75 | 54 | 68 | 54 | 56 |
| Simcoe | .... | .... | .... | .... | .... | .... | 248 | 255 | 348 | 405 | 236 | 157 | 174 | 219 | 196 | 187 | 172 | 150 |
| Stormont, Dundas and Glengarry | .... | .... | .... | .... | .... | .... | 50 | 53 | 68 | 43 | 50 | 56 | 61 | 87 | 100 | 64 | 78 | 83 |
| | .... | .... | .... | .... | .... | .... | 644 | 642 | 814 | 844 | 660 | 532 | 663 | 738 | 645 | 615 | 556 | 521 |
| | | | | | | | | 2,100 | | | 2,036 | | | 2,046 | | | 1,692 | |
| Average | .... | .... | .... | .... | .... | .... | | 700 | | | 678⅔ | | | 682 | | | 564 | |
| *Brant | .... | .... | .... | .... | .... | .... | .... | 216 | 175 | 157 | 233 | 292 | 346 | 405 | 343 | 294 | 224 | 237 |
| *Carleton | .... | .... | .... | .... | .... | .... | .... | 710 | 713 | 637 | 712 | 632 | 715 | 641 | 717 | 551 | 488 | 359 |
| Elgin | .... | .... | .... | .... | .... | .... | .... | 193 | 267 | 208 | 126 | 171 | 148 | 181 | 132 | 131 | 106 | 118 |
| *Frontenac | .... | .... | .... | .... | .... | .... | .... | 153 | 178 | 184 | 157 | 216 | 209 | 254 | 231 | 221 | 188 | 173 |
| Kent | .... | .... | .... | .... | .... | .... | .... | 117 | 153 | 121 | 103 | 112 | 143 | 208 | 225 | 199 | 147 | 197 |
| Lambton | .... | .... | .... | .... | .... | .... | .... | 227 | 295 | 342 | 278 | 231 | 215 | 261 | 236 | 284 | 148 | 126 |
| Lanark | .... | .... | .... | .... | .... | .... | .... | 68 | 70 | 86 | 82 | 77 | 82 | 78 | 88 | 83 | 63 | 66 |
| Leeds and Grenville | .... | .... | .... | .... | .... | .... | .. | 215 | 245 | 214 | 160 | 119 | 131 | 179 | 178 | 164 | 160 | 188 |
| Lennox and Addington | .... | .... | .... | .... | .... | .... | .... | 64 | 72 | 59 | 48 | 49 | 45 | 44 | 74 | 80 | 44 | 52 |
| *Lincoln | .... | .... | .... | .... | .... | .... | .... | 132 | 97 | 99 | 117 | 86 | 79 | 99 | 80 | 66 | 59 | 73 |
| *Middlesex | .... | .... | .... | .... | .... | .... | .... | 806 | 1004 | 788 | 801 | 841 | 883 | 1042 | 754 | 579 | 497 | 537 |
| Northumberland and Durham | .... | .... | .... | .... | .... | .... | .... | 121 | 127 | 137 | 96 | 71 | 103 | 133 | 129 | 103 | 108 | 85 |
| Ontario | .... | .... | .... | .... | .... | .... | .... | 116 | 101 | 112 | 70 | 67 | 96 | 87 | 67 | 56 | 43 | 55 |
| Peterborough | .... | .... | .... | .... | .... | .... | .... | 181 | 148 | 120 | 106 | 100 | 154 | 111 | 161 | 152 | 174 | 150 |
| Victoria | .... | .... | .... | .... | .... | .... | .... | 39 | 75 | 71 | 54 | 62 | 69 | 63 | 71 | 70 | 61 | 57 |
| Wellington | .... | .... | .... | .... | .... | .... | .... | 187 | 147 | 118 | 87 | 106 | 130 | 87 | 89 | 74 | 84 | 83 |
| | .... | .... | .... | .... | .... | .... | .... | 3,545 | 3,867 | 3,453 | 3,230 | 3,232 | 3,548 | 3,873 | 3,575 | 3,107 | 2,594 | 2,556 |
| | | | | | | | | 10,865 | | | 10,010 | | | 10,555 | | | | |
| Average | .... | .... | .... | .... | .... | .... | .... | 3,621⅔ | | | 3,336⅔ | | | 3,518⅓ | | | | |

* In these counties the Act was not in force in the cities of Brantford, Ottawa, Kingston, St. Catherines and London. The years 1886, 1887 and 1888 were Scott Act years in Brant, &c. ; 1882 to 1887 in Halton ; 1885 to 1888 in Oxford ; and 1885 to 1887 in Bruce, &c.

# APPENDIX No. 56.

ONTARIO.

COMMITMENTS for Drunkenness to County Gaols in Scott Act Counties in the undermentioned periods.

| Counties. | '76. | '77. | '78. | '79. | '80. | '81. | Scott Act Years. '82. | '83. | '84. | '85. | '86. | '87. | '88. | '89. | '90. | '91. | '92. | '93. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Halton | 21 | 15 | 6 | 1 | 6 | 5 | 4 | 7 | 6 | 9 | 13 | 5 | 19 | 13 | 9 | 9 | 6 | 4 |
| | | | 54 | | | | | 44 | | | | | | 60 | | | | |
| Average | | | 9 | | | | | $7\frac{1}{3}$ | | | | | | 10 | | | | |

| | '81. | Scott Act Years. '82. | '83. | '84. | '85. | '86. | '87. | '88. | '89. | '90. | '91. | '92. | '93. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Oxford | 47 | 32 | 28 | 51 | 21 | 28 | 50 | 64 | 55 | 51 | 34 | 24 | 38 |
| | | 158 | | | 163 | | | | 164 | | | | |
| Average | | $39\frac{1}{2}$ | | | $40\frac{3}{4}$ | | | | 41 | | | | |

| | Scott Act Yrs '82. | '83. | '84. | '85. | '86 | '87. | '88. | '89. | '90. | '91. | '92. | '93. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bruce | 4 | 10 | 3 | .... | 2 | 6 | 22 | 8 | 6 | 7 | 3 | 13 |
| Dufferin | .... | .... | 1 | 1 | 3 | 3 | 1 | 4 | 2 | 1 | 2 | .... |
| Huron | 8 | 5 | 4 | 3 | 4 | .... | 4 | 2 | 5 | 5 | 2 | 3 |
| Norfolk | 18 | 18 | 17 | 4 | 6 | 5 | 3 | 17 | 3 | 10 | 5 | 3 |
| Renfrew | 24 | 17 | 27 | 11 | 2 | 2 | .... | 4 | 1 | .. | 5 | 7 |
| Simcoe | 56 | 87 | 99 | 31 | 35 | 16 | 28 | 46 | 34 | 34 | 19 | 10 |
| Stormont, Dundas, Glengarry | 7 | 8 | 9 | 3 | 1 | 4 | 7 | 29 | 25 | 14 | 22 | 27 |
| | 422 | | | 142 | | | 251 | | | 192 | | |
| Average | $140\frac{2}{3}$ | | | $47\frac{1}{3}$ | | | $83\frac{2}{3}$ | | | 64 | | |

# APPENDIX No. 57.

## ONTARIO.

### Prisoners committed for Drunkenness to County Gaols in Scott Act Counties.

| Counties. | '83. | '84. | '85. | '86. | '87. | '88. | '89. | '90. | '91. | '92. | '93. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| *Brant | 75 | 58 | 28 | 91 | 112 | 147 | 218 | 182 | 112 | 89 | 120 |
| *Carleton | 261 | 314 | 205 | 280 | 286 | 297 | 296 | 336 | 204 | 182 | 105 |
| Elgin | 92 | 82 | 57 | 30 | 25 | 29 | 23 | 20 | 32 | 12 | 15 |
| *Frontenac | 46 | 75 | 74 | 58 | 108 | 107 | 139 | 129 | 125 | 87 | 102 |
| Kent | 23 | 26 | 18 | 14 | 7 | 9 | 61 | 71 | 47 | 26 | 28 |
| Lambton | 75 | 105 | 130 | 72 | 38 | 64 | 99 | 108 | 95 | 27 | 36 |
| Lanark | 9 | 7 | 6 | 4 | 9 | 4 | 2 | 5 | 5 | 3 | 2 |
| Leeds and Grenville | 19 | 135 | 80 | 36 | 24 | 31 | 52 | 58 | 44 | 44 | 77 |
| Lennox and Addington | 18 | 20 | 6 | 3 | 8 | 7 | 4 | 22 | 23 | 12 | 9 |
| *Lincoln | 65 | 39 | 29 | 21 | 21 | 28 | 33 | 24 | 12 | 9 | 21 |
| *Middlesex | 269 | 445 | 277 | 338 | 404 | 408 | 540 | 332 | 213 | 150 | 218 |
| Northumberland and Durham | 21 | 26 | 26 | 15 | 6 | 12 | 28 | 38 | 22 | 25 | 11 |
| Ontario | 10 | 1 | 4 | ..... | ..... | ..... | 5 | 2 | ..... | 1 | 2 |
| Peterborough | 71 | 30 | 27 | 13 | 11 | 26 | 20 | 45 | 24 | 22 | 16 |
| Victoria | 7 | 20 | 13 | 1 | 2 | 4 | 4 | 7 | 1 | 9 | 3 |
| Wellington | 93 | 49 | 32 | 12 | 22 | 21 | 10 | 10 | 4 | 14 | 9 |
| | 1,154 | 1,432 | 1,012 | 988 | 1,083 | 1,194 | 1,534 | 1,389 | 963 | 712 | 774 |
| | | 3,598 | | | 3,265 | | | 3,886 | | | |
| Average | | 1,199⅓ | | | 1,088⅓ | | | 1,295⅓ | | | |

*In these counties the Act was not in force in the cities of Brantford, Ottawa, Kingston, St. Catherines, London.

The years 1882 to 1887 in Halton, 1885 to 1887 in Oxford, 1885 to 1887 in Bruce, &c., 1886 to 1888 in Brant, &c., were the Scott Act years.

# APPENDIX No. 58.

PARTIAL Statement of Expenditure incurred on Penitentiaries, Gaols, Insane Asylums, Almshouses, Reformatories, &c., in the year 1891.

| — | Dominion. | Nova Scotia. | New Brunswick. | Prince Edward Island. | Quebec. | Ontario. | Manitoba. | North-west Territories. | British Columbia. | Total. |
|---|---|---|---|---|---|---|---|---|---|---|
| | $ | $ | $ | $ | $ | $ | $ | $ | $ | $ |
| Penitentiaries | 365,077 | | | | | | | | | 365,077 |
| Gaols | | 10,092 | 9,386 | 4,906 | 140,290 | 216,791 | 8,149 | | 27,941 | 417,555 |
| Insane Asylums | | 70,851 | 51,624 | 17,605 | 251,356 | 544,634 | 31,073 | | 21,317 | 988,460 |
| Reformatories | | 8,244 | | | 64,450 | 67,080 | | | | 139,774 |
| Almshouses | | 27,260 | 39,321 | 7,385 | | 45,440 | | | | 119,406 |
| Charitable Institutions | | | | | *77,383 | 150,957 | | | | 228,340 |
| Totals | 365,077 | 116,447 | 100,331 | 29,896 | 533,479 | 1,024,902 | 39,222 | | 49 258 | 2,258,612 |

* Includes $29,653 paid to Industrial Schools.

The returns for Ontario, Quebec and Prince Edward Island are believed to be accurate; those from the other provinces are incomplete, only a few counties having in some instances made returns. The poor are mainly provided for in charitable institutions supported by voluntary subscriptions.

# APPENDIX No. 59.

## NOVA SCOTIA.

Halifax was founded in 1749, under a Governor and Council, in whom all legislative powers were vested, and in that year seventeen licenses were granted to sell intoxicating liquors, subject to a poor tax of one guinea per month. In 1751, several orders in council were passed affecting the traffic. One of them prevented recovery by tavern keepers in any suit under five shillings and by other liquor sellers in suits for quantities under three gallons. By another order in council a duty of sixpence a gallon was imposed on rum and other spirits sold by retail, and license holders had to account for their sales under oath. Some months later a duty of three pence per gallon was imposed on all rum and spirits except the produce of Great Britain and the British West Indies. In October, 1758, the first Parliament of the Province met in Halifax. One of its first acts prohibited the erection of distilleries or stills within the town of Halifax under a penalty of £100. In 1759, an act was passed preventing the distilling from grain in the province, owing to the great scarcity of corn, under a penalty of £50, and forfeiture of the spirits so distilled. An additional duty of three pence per gallon on all rum and other distilled liquors imported was also imposed, and an excise duty of three pence per gallon on all distilled liquors. In 1760, an act was passed for the more effectual suppression of unlicensed houses, and providing for an excise tax on spirits sold by retail. In 1761, the sale on Sundays was forbidden under a penalty of ten shillings fine on the tavern-keeper, and five shillings on the consumer. In 1762, the sale of liquors by retailers, upon credit exceeding five shillings, was forbidden, and any person accepting a pledge for payment of any sum exceeding five shillings incurred a penalty of twenty shillings. In 1773, an act was passed, under which the collecting of excise and import duties was farmed out to the highest bidder in the island of Cape Breton, and this act was afterwards extended to other districts. In the subsequent years, many amendments were made increasing the license taxes, and providing for stricter enforcement of the liquor laws. One of these acts, passed in 1808, imposed an additional duty of six pence per gallon on all wine imported, in order to provide a pension of £500 sterling, during his natural life, to Sir John Wentworth, on his retirement from the office of Lieutenant-Governor. In 1829, the sale of liquor to Indians was forbidden under a penalty of twenty shillings for each offence.

In 1832, a very voluminous act was passed, repealing all the others, and establishing new regulations. Licenses, under it, were divided into tavern, shop and general licenses. A new tariff of duties on imports was also provided. By an act passed in 1855, the sale to minors entailed forfeiture of license and disqualification thereafter.

By the act of 1859, the sale to Indians entailed forfeiture of license. In 1863, the customs duties were again altered. It was further provided that in counties where a majority of the ratepayers in any polling district shall petition against the granting of licenses, no licenses shall be granted by the sessions until such decision is reversed by a majority of the ratepayers. In 1864, power was given to the mayor of Halifax and any three aldermen to grant licenses for that city, and to make rules for the regulation and restriction of the sale by retail; the Council to fix the amount of duty to be paid by each class of license. In 1866, customs duties were again altered. In 1869, the sale after 9 o'clock in the evening was forbidden except to regular boarders and travellers, and licenses were prohibited in any proclaimed gold district. In 1874, it was provided that licenses in the city of Halifax were to be granted only by the city council, on the recommendation of the license committee.

In 1876 the keeper of a tavern and those acting for him were jointly and severally liable for damages, not exceeding $1,000, in the case of death by suicide, drowning or other accident caused by drinking to excess in such tavern. In the same year it was provided that in incorporated towns no license should be granted except on presentation of a petition signed by two-thirds of the ratepayers, and that bar-rooms should have but one entrance, namely, from the public street.

In 1877, licensed places were ordered to be closed before 10 p.m. under penalty of $20. In 1878 the Canadian Temperance Act or "Scott Act" establishing the principle of local option was passed by the Dominion Parliament and went into force in the localities which adopted it, and in 1883 the Dominion License Act, applicable to all places which did not adopt the Scott Act, became law; but this Act, being afterwards declared *ultra vires*, the Provincial Acts revived and continued in force until replaced in Nova Scotia by the

## LIQUOR LICENSE ACT OF 1886.

The chief provisions of this Act are the following:—

1st. The appointment by municipal councils of chief and assistant inspectors, who shall be members of temperance societies.

2nd. Licenses divided into hotel, shop and wholesale licenses, signed by the mayor or warden and chief inspector.

3rd. Licenses limited to one year.

4th. Hotel licenses authorized sale to *bonâ fide* guests or lodgers, to be drunk at their meals or in their rooms. No bars allowed. Shop licenses authorized sale in quantities not less than one pint, and not to be drunk on the premises.

5th. Hotel license, $150; shop license, $100; wholesale license, $300; brewers' wholesale license, $150.

6th. Every application for license must be made to the municipal council and accompanied by a certificate signed by two-thirds of the ratepayers. A deposit of ten dollars must be also made to cover cost of inspection and advertising. Any one in the district may file objections to the granting of the licenses.

7th. Every hotel to be licensed must have a certain number of furnished bedrooms and a well appointed eating house. In country places it must have also stabling for at least six horses besides those of the proprietors.

8th. If the first application be refused on the ground of non-fitness, a second application shall not be entertained for two years.

9th. No license shall be granted to a member of the council or an inspector.

10th. Each license holder must furnish two sureties to be approved by the chief inspector, for $150 each, and enter into a bond for $500, to guarantee payment of all fines and penalties.

11th. Death puts an end to the license, but the legal representatives of the deceased license-holder may obtain consent of the chief inspector, countersigned by the mayor or warden, to continue the business. Or they may obtain repayment of the portion of the license fee for the unexpired term.

12th. A register of licenses must be kept by the chief inspector.

13th. The municipal council must report annually to the Provincial Secretary.

14th. The revenue from licenses belongs to the municipality.

15th. Hours of closing, nine o'clock at night and from six o'clock Saturday night until seven o'clock Monday morning. Liquor may be sold on Sundays to lodgers during meals to be used at table but not to be drunk in their rooms.

16th. Penalty for infraction $100 first offence; $100 and 2 months gaol every subsequent offence.

17th. No payment except in money or by cheque to be taken for liquor by a hotel keeper, under a penalty of $20. Any pledge given may be recovered or any payment made in advance, even if the liquor be afterwards supplied.

18th. Penalty not exceeding $50 for sale to any drunken person or for allowing gambling on the premises, or for supplying liquor to a constable on duty, or to a minor.

19. Every licenseholder who knowingly sells to a person not a licensee, liquor to be resold, shall incur a penalty of $50 and shall not be entitled to recover the price. The burthen of proof shall be on the licensee.

20th. In any municipality where there are no licenses, the Council may appoint an agent for the sale of liquors for medicinal, mechanical and manufacturing purposes.

21st. Druggists allowed to sell under certain restrictions.

22nd. Near relatives, curators, etc., may require the chief inspectors to notify license holders not to sell to drunkards, minors, lunatics, etc.

23rd. In case of death by suicide or accident due to intoxication, the liquor seller is responsable for damages not exceeding $1,000.

The remainder of the Act deals mainly with procedure, prosecutions, convictions and appeals.

Numerous amendments have been made to this Act but merely in matters of detail.

# APPENDIX No. 60.

List of counties in Nova Scotia in which the Canada Temperance Act is in force.

| County. | Date of Voting. |
|---|---|
| Digby | November, 1880. |
| Queen's | January, 1881. |
| Shelburne | March, 1881. |
| King's | April, 1881. |
| Annapolis | April, 1881. |
| Cape Breton | August, 1881. |
| Hants | September, 1881. |
| Inverness | January, 1882. |
| Pictou | January, 1882. |
| Cumberland | October, 1883. |
| Yarmouth | March, 1884. |
| Guysborough | June, 1885. |

Colchester voted in favour of the Act in May, 1881; against it in 1889.

# APPENDIX No. 61.

## TEMPERANCE EFFORT IN NOVA SCOTIA.

The town of Halifax in Nova Scotia was founded by Lord Cornwallis, on June 8, 1749. Within one month thereafter a license was granted by the Governor in Council, for the sale of intoxicating liquor, subject to the payment of a "Poor tax" of one guinea a month. Sixteen other licenses were granted on the same conditions between July 19, and December 1, in the same year. At this period the population of the town and vicinity was less than three thousand.

That there was a considerable consumptions of intoxicating liquors in the first three years after the settlement of the town is apparent:—

1. In 1751 the Governor and Council ordered that sellers of liquors could not recover in any suit under five shillings; and other persons could not sue for liquors sold in quantities under three gallons.

2. On memorial of merchants, the Governor and Council, on April 29, 1751, imposed a duty of sixpence a gallon on rum and other spirits sold by retail, under three gallons, license holders to account for their sales under oath,—said duty to be applied to the paying of a bounty of sixpence a quintal on fish salted and dried within the province, fit for exportation.

3. On July 31, in the same year, a duty of three pence a gallon was imposed on all rum and spirits imported after August 14, except the product of Great Britain and the British West Indies.

The wars between Great Britain and the United States requiring the maintenance of a large army and navy, for which Halifax was the principal rendezvous, there was necessarily an expenditure of large sums of money, which unfortunately resulted in a great increase of drunkenness. So prevalent was the evil of intemperance among the townspeople and the military, it attracted the attention of His Royal Highness the Duke of Kent, shortly after he assumed the command of the troops in Nova Scotia in 1794. In a letter addressed to Sir John Harvey in 1849, (he being then Lieut. Governor of the province and commander of the troops,) the late Chief Justice Haliburton thus referred to the habits of the higher circles of society towards the close of the last century:—

"At the time of his (the Duke of Kent) arrival the habits of the garrison were very dissipated. The dissipation was not, indeed, confined to the military; the civil society partook of it largely. It was no unusual thing to see gentlemen join a company of ladies in a state of intoxication, which would now be deemed very disgraceful, but which was then merely laughed at by the ladies themselves. His Royal Highness at once discountenanced such conduct. Among the military he soon put an end to it.....The improvement which thus soon took place among the military gradually extended to their civil acquaintances; and His Royal Highness thus become instrumental in improving both. Gambling also prevailed to a great extent, but His Royal Highness never touched a card, and as the early parades compelled its former military votaries to retire early to bed, gambling as well as drinking, fell into disuse."

Within sixty years after the founding of Halifax, other settlements were formed in the vicinity as well as in other parts of the province; and as the inhabitants increased in numbers, intemperance seems to have kept pace with their growth. So prevalent had become "the evil effects of intemperance" about the beginning of the present century, the "best method of bringing about a change for the better," engaged the attention of thoughtful men in several sections of the province. In the effort to suppress drunkenness the following copy of a document signed by residents

of Windsor, Falmouth and vicinity (in Hants county,) will indicate some of the earlier methods adopted:—

"We, whose names are hereto subscribed, sensible of the great obstruction to agriculture and to the well being of the province in general, which have arisen from the excessive use of spirituous liquors among the labouring poor, to the ruin of their morals and health;—

"And sensible also that much of the unfortunate attachment to such drinks, that prevails among them, proceeds from spirituous liquors being given by their employers as rewards for extraordinary exertions in labour;—

"Convinced moreover that such a practice if continued under the present enormous price of rum, will prove ruinous to the former;—

"Do hereby bind ourselves to the public and each other that we will not, after the first day of November next, give any sort of spirituous liquors to any servant or labourer in our employment, nor suffer any to be given with our knowledge;—

"And we do severally agree that if we act contrary to the true intent of this association, our names may be published to the world as regardless of good faith and the public interest."

| | |
|---|---|
| Wm. Cochran, | Benj. Wier, |
| J. Emerson, | Shubael Dimock, |
| Geo. Deschamps, | Daniel Hammill, |
| Richard Cunningham, | W. H. Shey, |
| John Clark, | John Van Norden, |
| Nathl. Thomas, | John McLatchey. |

The first temperance society in the province was instituted in the county of Pictou. At the close of a meeting of the agricultural society, held at West River, in October, 1827, "the subject of forming a temperance society" was discussed, a pledge was drawn up, three signatures were appended, "and the meeting adjourned for three months, at which time the total membership was seven; but additions were made at subsequent meetings."

The first temperance society in Pictou town was organized in 1831. It culminated in the "The Total Abstinence Society" formed on January 26th, 1847, and continued working up to June, 1864.

A few months later the second society was formed in the western part of the province, at a meeting held on 25th April 1828, in a school house "located on the corner on north side of the county line in Digby county (between Yarmouth and Digby.)" The society adopted the principles of total abstinence by a pledge of which the following is a copy:—

Beaver River, 25th April, 1828.

"We the undersigned firmly believe that the use of intoxicating liquors as a beverage is injurious to the bodies and souls of mankind in general, both spiritual and temporal;

"And to remedy this great and spreading evil, we whose names are hereunto annexed do forever renounce the use of such, except when prescribed by a physician as a medicine in case of sickness. And we pray Almighty God to establish our hearts and strengthen our serious resolutions."

On its adoption the following named appended their names:—

| | |
|---|---|
| Josiah Porter, | Jonathan Raymond, |
| William Perry, | Daniel B. Corning, |
| David Corning, | Ebenezer Corning, |
| Joseph Corning, | David Corning, Jr. |

Several months elapsed before additions were made to the first eight names. This society continues actively at work (in 1892), a very large number of the inhabitants, old and young being enrolled as members. Beer and cider have never been manufactured or used as a beverage in the neighbourhood.

From 1828 to 1834 the number of temperance societies increased so rapidly there were soon several in each county of the province. At a meeting held in the town of

Halifax in January 1831, it was decided that "a temperance organization should be formed," which resulted in the establishment of "The Halifax Temperance Society." This body had two pledges, one being known as the "Partial Pledge," those adopting it being privileged to partake of wine to a limited extent; the second was the "Total Abstinence Pledge." Many prominent citizens became members under the partial pledge, the greater number of whom withdrew from the society when total abstinence was adopted as the pledge for all members. The society held two public meetings in each month, and continued working for upwards of thirty years during which time much good was done.

In the year 1834 a convention comprising delegates from all the temperance societies in the province was held at Halifax. The meeting was one of much interest. A resolution was passed recommending the members of temperance societies to refrain entirely from the use of all intoxicating liquors. (This referred to societies having the partial pledge.) The convention which continued several days, presented an address to the Lieut. Governor—Sir Colin Campbell—soliciting his patronage, and stating that they represented over 14,000 persons. The address contained the following passage, referring to the cholera which had been prevalent in the town during the summer (1834):—

"Were it necessary to urge anything further on your Excellency's attentions, we might advert to the direful effects of intemperance so fearfully developed during the prevalence of the cholera in this town, and the universally acknowdedged fact that its influence is strong in prepetuating and cherishing the existence of that dreadful scourge where it has once appeared.

In his reply, Sir Colin said that he "would consider himself unworthy of the position to which His Majesty had appointed him if he did not, by every means in his power, give his support and countenance in forwarding the laudable objects of the temperance societies represented by the delegates."

The following resolution was passed by the convention:—

"*Resolved*,—That the legislature should be applied to to give up all regard to the amount of revenue derived from the duty on ardent spirits, or from their sale, but should raise a revenue from a more worthy source than the vices of the people."

A second convention was held at Halifax in 1835, at which a *Total Abstinence Pledge* for all the societies was proposed. The motion provoked a long discussion which ended in the adoption of the following resolution:—

"*Resolved*,—That as the wines imported into and manufactured in this province are found to contain a very large proportion of alcohol; and as their habitual use has an injurious effect on the temperance reformation, the convention recommend to the societies connected with it to take the subject into consideration, and, as soon as they may deem it practicable, to adopt the principle of total abstinence from them as a common beverage."

A third convention was held in 1836, at which it was shown that there had "been a great advance in temperence principles throughout the province." The following resolution was adopted:—

*Resolved*,—That this convention consider it desirable that the following pledge should be recommended as one well calculated to promote the temperance reform:—

"We agree to abstain from drinking ardent spirits, and all intoxicating liquors (except the use of wine in the Lord's Supper), and to discountenance the causes and practices of intemperance."

The pledge suggested was soon almost universally adopted by the societies, and the temperance cause continued to advance. Up to this time the movement was promoted principally by Protestants.

In the year 1838, the Very Rev. Theobold Mathew commenced his great temperance work in Ireland. He adopted the total abstinence pledge. A society on the same principle was established among the Roman Catholics in Montreal in 1840. This example was followed by their co-religionists in Halifax, Nova Scotia, where the "St. Mary's total abstinence society," was founded by the Very Rev. John

Loughnan, V. G., on Sunday, January 24th, 1841—*five hundred persons* taking the pledge on that day, and about the same number on January 31st.

The interest in this movement continued for several years, during which between 4,000 and 5,000 enrolled themselves as members. The pledge of the society was :—

"I promise to abstain from all intoxicating drinks, &c., except used medicinally and by order of a medical man, and to discountenance the cause and practice of intemperance."

This society ceased work, practically, in June, 1849. A second society, "The St. Mary's and St. Patrick's was organized in 1844 and ceased operations in a few years. In February, 1857, a third society was formed which continued to work for a few years. Out of this latter organization sprung three "Total abstinence and benevolent societies," connected with the congregation of St. Mary's, St. Patrick's and St. Joseph's, all of which are active in the promotion of temperance. There is a juvenile society connected with each church, and each society has recently erected a hall at a large cost.

Between the years 1856 and 1866 denominational temperance societies were organized in connection with the congregations of Protestant churches in Halifax, viz: Trinity, Church of England; St. John and Chalmer's, Presbyterian; Brunswick and Grafton streets, Methodist; Grenville street, Baptist; Starr street, Universalists, and others.

The operations of these societies, together with those of the Roman Catholics, were so successful they had a beneficial influence on their co-religionists throughout the province. As a consequence many church temperance societies were found in country districts.

In 1848 a young men's temperance society was formed in Halifax. From it much good was expected. The members were the right kind of material to carry on the work—they possessed good abilities. Internal dissensions caused the society's dissolution, much to the disappointment of its friends.

The temperance aid association of Halifax, formed in 1856, was one of the best missionary temperance institutions organized in the province. It did excellent work for a number of years. Its operations ceased, not through lack of interest or want of funds, but on account of its very active members, nearly 200, being all connected with the Sons of Temperance, which order required their services.

Much work was done for many years by county leagues, which comprised representatives from all the local societies in each county.

From about the year 1850 to 1860 the Order of Watchmen existed in the province, its operations being principally in the eastern counties. This body worked quietly but well, using its funds in the enforcement of the license laws. Its work ceased on account of its members being absorbed by other organizations.

It may be here mentioned that for many years special temperance efforts were made in behalf of the men of the various imperial regiments quartered in Halifax. These efforts were originated and conducted by the late Wm. M. Brown—whose name deserves to be placed on record—assisted by a number of friends. He proved to be a devoted friend to the soldier, and his work was eminently successful, as generals in command of the garrison and other officers have testified. A large number of soldiers joined the Sons of Temperance, and, although they did not all continue their membership, a large percentage did. In promoting temperance among the men of the army the Sons met with success, but the Good Templars were more successful with the sailors, many of whom became members of the lodges. The good results of this particular work in Halifax are evident, comparing the habits of the men in both services at the present time with 35 years ago.

Cadets of Temperance, Cold Water Armies, Bands of Hope and other organizations have been eminently successful in inoculating the principles of temperance in the young. Protestant clergymen have devoted much time to and taken much interest in this work. And it may be here added that in Nova Scotia the Roman Catholic Archbishops have for many years, when administering the rite of confirmation, induced the young who presented themselves to take the total abstinence

pledge until they reached the age of 21 years. Good results have followed the practice.

About twenty years ago the "Binks-McKenzie" movement gave a spasmodic impulse to the temperance work in the province. That some good was done must be admitted. Although many clubs were formed, two or three only are said to be in existence at the present time.

In recent years the Woman's Christian Temperance Union here made fair progress in the promotion of temperance.

The occasional introduction of able lecturers from abroad, at large expense, tended, at times to revive the interest in temperance work.

Literature has been made use of, to a large extent, in the dissemination of temperance principles. Occasional newspapers were published between the years 1831 and 1854. None of them existed for a longer time than three to four years. One made its appearance in October, 1856, and continued until June, 1874. It was the official organ of the Sons of Temperance. Its receipts never paid expenses, and was discontinued after entailing a heavy loss on the publishers. Several papers have endeavoured to continue the work, but with what success remains to be seen.

A convention of clergymen was held at Halifax in 1859, and another in 1860. Circulars were ordered to be addressed to the clergy of the province, with a request that they append their names to the following:—

"DECLARATION.

"The undersigned ministers of the gospel in the province of Nova Scotia hereby declare their firm convictions that the traffic in intoxicating liquor, as a beverage, is highly injurious to society, and ought to be abolished, and they pledge themselves to exert all the influence they may possess in order to secure the effectual administration of a law prohibiting the importation, manufacture and sale of intoxicating drinks for beverage purposes, whenever such law shall be passed by the legislature."

Copies of the circular were sent to 380 clergymen; replies were received from 193, 150 of whom appended their names; 10 declared themselves fully for prohibition, but for reasons declined to append their names; 20 declared themselves advocates, from pulpit and platform, of total abstinence, but feared prohibition would be impracticable.

In the year 1860, a circular letter was addressed to the medical men in the province—128 in all—requesting the signature to a declaration, of which the following is a copy:—

"DECLARATION.

"We are of opinion: First—That a very large portion of human misery, including poverty, disease and crime, is induced by the use of alcoholic or fermented liquors as beverages.

"Secondly—That the most perfect health is compatible with total abstinence from all such intoxicating beverages.

"Thirdly—That total and universal abstinence from alcoholic beverages of all sorts would greatly contribute to the health, the prosperity, the morality and the happiness of the human race"

"Answers were received as follows:—

| | |
|---|---|
| "Signed by medical men in Halifax city | 8 |
| Signed by medical men in country districts | 77 |
| Total | 85 |
| Did not reply | 43" |

In addition to the provincial temperance conventions mentioned elsewhere, others were held in later years, the delegates representing provincial, county and loca-

organizations. All these gatherings declared in favovr of the principle of prohibition; but failing to obtain such an enactment, would favour the incorporation of stringent amendments in the license laws, and enforcement of the same. A large number favoured the enactment of permissive prohibitory legislation in preference to a license law.

The most important convention held was that convened at Halifax—at the call of the Grand Division Sons of Temperance—in February 1854. At that date the population of the province was estimated to be about 300,000. There was a large number of organizations throughout the county. Temperance sentiment was strong and advancing and the feeling in favour of prohibition increasing. 30,000, or more, signatures had been obtained to petitions to the legislature in favour of prohibition. The draft of an act had been proposed. The House of Assembly was requested to grant permission to the chairman to appear at the Bar of the House to address the members and present to them reasons why a prohibitory law should be enacted. The request was acceded to by the House; but by a subsequent arrangement both Houses of Parliament adjourned, and the member returned to the temperance hall, where they listened to an eloquent address repaired by Rev. D. Cramp, chairman of the convention. The petitions prepared were presented to the legislature but nothing was done.

At the instancee of the Grand Division Sons of Temperance or of conventions called by that body, petitions were presented, with the following results:—

1852. A bill founded on a resolution adopted by the Grand Division in 1851:—"That if instances occur of grand juries and sessions granting licenses for the sale of intoxicating liquors, the power to veto such granting of licenses be given to town and district meetings, composed of persons qualified to vote for members of assembly." Did not pass.

1854. A petition in favour of prohibition. Nothing done.

1855. A prohibitory act was passed in the Lower House, but was rejected in the legislative council.

1856. A prohibitory bill passed a second reading in the Assembly, but nothing further was done.

1858. The prohibitory bill was defeated.

1859. The bill passed the Lower House, but was defeated in the council.

In other years efforts were made by the Sons of Temperance, with assistance from other organizations, to have the license laws improved by amendments. The most important change was secured in 18—, when power was given to electors to prevent the granting of licenses in their respective districts, by securing a majority of signatures to a petition to that effect.

The next important change was the enactment of the Liquor License Act, 1886, the principal provisions in which are: There are to be no bars; no liquor to be drunk on the premises; not less than one pint to be sold at one time, and not to be consumed on the premises; to be one entrance, and that from the street; no communication by door, &c., between the licensed place and other premises. The credit of this act is due principally to members of the Order of Good Templars.

There are permissive clauses in the act which can be brought into operation by a majority of electors opposed to the granting of licenses.

Previous to the passing of the municipal act, the power of granting licenses was vested in the city council of Halifax, and the county sessions—on recommendation of grand jurors. The county and other municipalities have now the power to grant or refuse licenses, excepting where the Scott Act is in force, or where a majority of electors in a district avail themselves of the prohibitory clauses of the Act.

Prior to 1880 a number of counties, notably Yarmouth, Shelburne and Guysborough had refused for many years to grant licenses. In other counties licenses had been withheld for a series of years; granted for a year or two, then refused again. To avoid "the annual trouble" of considering the granting or repeal of licenses a number of the counties decided to adopt the Scott Act, which after adoption would remain in force for at least three years.

Thirteen counties voted in favour of the Act in the years 1880 to 1885, in twelve of which it is now in operation.

In 1889 one county voted in favour of repealing the Act, the supreme court having decided that it was not legally in force, because no time could be named for bringing it into operation when adopted (in 1881).

So far the methods adopted to promote temperance in the province have been stated. The work of the two most prominent provincial temperance organizations would require much space to refer to it in detail. On the efforts of these societies the opponents of the liquor traffic rely to a great extent for the suppression of intemperance.

The order of the Sons of Temperance was instituted in the city of New York on September 29, 1842. It was introduced into Nova Scotia in 1847,—Acadia Division No. 1, organized at Yarmouth in November of that year. The divisions increased rapidly in numbers and in membership. On April 22, 1848, the Provincial Grand Division was instituted. Excepting two or three years, when there was a fear of a possible declension, the order has had a remarkably prosperous career. Subordinate divisions are the primary branches of the order. They receive members who take the pledge of total abstinence, and have control of their own funds. They pay a per capita tax, quarterly, to the grand division. The grand division is composed of the presiding and past presiding officers of the subordinate divisions. Its funds are derived from the per capita tax from subordinates, and occasional contributions from members and friends. Its work is legislative in principle; it considers and decides on appeals, etc. Soon after its organization divisions and the membership continued to increase. About 1858 or 1859, the grand division engaged many of its county officials to lecture on temperance and visit the divisions. Good results followed. Subsequently a lecturer was employed to lecture through the province. After a year or two, two lecturers were employed and continue in the field up to the present. One or two seasons there were three lecturers. By this system the order thrived and temperance was promoted. Its newspaper organ (to which a small annual subsidy was granted) was a great help, so long as it was published. Many of the amendments to the license laws of the province, from 1848 to 1878, were promoted by the grand division.

From the introduction of the order in 1847 to December, 1891, 771 divisions have been organized, the number of working divisions on March 31, 1892, being 253. Total members admitted 136,602; present membership, about 14,000. Working Bands of Hope, 153; membership, about 7,000. Halls owned by the order, 162; approximate value of halls, $87,000.

Aggregate expenditure of grand division from 1848 to 1892, about $130,000; proportion expended in propagation work, $80,000 to $90,000. The expenditure by all the divisions in the period named will be in the neighbourhood of $750,000 to $800,000.

The order of Good Templars was introduced into the province in 1856. For a few years there were three distinct orders: The Independent; the British; and the British American. Injurious clashing with the Sons was happily prevented. At present what was known as the Independent is the only branch of the Templars working in the province. It has done much good work, and has been successful in its efforts among the sailors of the royal navy.

Particulars relating to the detailed work of this order were solicited but have not been supplied.

In conclusion it may be stated that a great deal is due to the Bishop and the clergy for the kind words they have spoken in behalf of temperance and the encouragement they have given to them who have laboured for its promotion.

The efforts of the Salvation Army in inducing many to abandon habits of intemperance, are worthy of commendation.

May, 1892.

# APPENDIX No 62.

## NEW BRUNSWICK LEGISLATION.

In 1786 an Act was passed entitled: "An Act regulating Innholders, Tavern-keepers and Retailers of Spirituous Liquors."

Sale on credit. It prohibited sale of quantities exceeding the value of five shillings on credit.

Pawns, etc. It prohibited taking pledges or pawns as security for amounts above five shillings. Penalty, five pounds.

Sale to apprentices and servants. It prohibited sale to apprentices or servants, harbouring them, permitting to sit in taverns drinking, or giving them drink, without special order from their respective masters or mistresses. Penalty, five pounds.

Nothing in the Act shall debar from furnishing drinks to travellers or boarders on credit.

Use of penalties. Penalties collected to be appropriated to the support of the poor.

Of subsequent Acts till 1833, each of which in turn expired or was repealed, nothing appears in the printed statistics but the titles. Their provisions were simple, and the restrictions few and apparently ineffective.

Distilleries. In 1829 an act was passed putting a duty of one shilling and sixpence upon rum and other spirituous liquors distilled within the province. It provided also that distillers pay a yearly license of ten pounds.

In 1833, it was "deemed expedient that the number of licenses in the city and county of St. John" to tavern-keepers, which up to that time had been at the discretion of the justices of the peace, should be regulated and limited by law."

The number was fixed not to exceed thirty-five—twenty-five for the city and seven for Lancaster, and three for St. Martin's. Drinking in a tavern, except by the keeper, a member of his family, or a boarder in the house, was forbidden. Drunken persons were made liable to a fine of five to twenty shillings.

"An Act to regulate Tavern-keepers and Retailers. 5 W. IV., Cap., 3, (1835–1852).

By whom granted. Courts of General Session of the Peace for the several counties given power to issue licenses.

To whom. Persons of good name, fame and character, and of sober habits.

Quantity. Under five gallons, and not less than one pint.

Fee. Not exceeding ten pounds, not less than forty shillings. The Clerk of the Sessions to receive two shillings and sixpence for issuing the license.

Special license. Licenses may be granted for twenty shillings in remote places, where they shall appear to be absolutely necessary for the accommodation of travellers.

Credit pawns. Inn-keepers selling on credit cannot recover more than five shillings. Pawns left as security with tavern-keepers may be recovered, and the holder be fined.

Sale to minors, servants or apprentices. Sale to minors, servants and apprentices forbidden, except by order of parents, guardians or masters. Penalty for each offence not exceeding five pounds.

Not to be used on the premises. Liquors not to be consumed on the licensed premises.

unday. Sunday selling forbidden. Penalty for sale eight shillings to five pounds.

Having and selling liquor not legally imported, punished by fine of five pounds, the forfeiture of license and ineligibility to have license for two years. Illegal liquors.

Tavern-keepers enticing, seducing, harbouring or concealing an articled seaman or apprentice, punishable by forfeiture of license, and disqualification from having license for one year.

The fee for license in St. John not to exceed four pounds. Licenses to be issued at the discretion of the mayor. St. John.

Grand jury to enquire into violations of law and make presentment. Imprisonment in jail not exceeding forty days the alternative of non-payment of fine. Collection of penalties.

(In 1852 the law was re-enacted with slight amendments, and continued in force till 1854.)

"An Act to regulate the sale of spirituous liquors."—17 Vic., cap. 15 (1854).

No liquors to be sold without license, either wholesale or retail. Licenses.

General sessions of the several counties. No license in force more than one year. By whom granted.

Not less than five pounds, not exeeding twenty-five pounds. Fees.

Persons of good character, of orderly and sober habits. To whom.

For selling without license, two pounds to ten pounds. Penalties.

No tavern-keeper, having sold upon credit, shall have any remedy against the person to whom sale was made; and any bill, bond, note or mortgage or other security taken shall be deemed fraudulent and void. Selling on credit.

Sale to servants, and to persons under the age of 16 years punishable by fine not exceeding five pounds. Servants and minors.

Sunday sale punishable by fine not exceeding five pounds. An intoxicated person leaving premises of tavern-keeper on Sabbath *prima facie* evidence of sale. Sunday.

Having or selling illegally imported liquors punishable by fine of five pounds, annuling of license and ineligibility to receive license for two years. Illegal liquors.

Concealing soldier and helping him to desert, receiving from him arms, clothing, etc., punishable by annulling of license and disqualification from holding license for two years. Harbouring or concealing a sailor or apprentice punishable by annulling license and disqualification for one year. Soldiers, sailors and apprentices.

One-half of every penalty paid to persons by whose means the conviction was obtained. Appropriation of penalties.

No liquors permitted to be sold in booth or shed, or in any place where public meeting or gathering of people is being held, or within a mile of the same—unless in a city or town—under a penalty of five pounds. No sale at public gatherings.

Proof that any person has been found intoxicated on or coming out of premises where liquors are permitted to be sold, shall throw burden of proof on the party prosecuted. Intoxication.

An Act to prevent the Importation, Manufacture and Traffic in Intoxicating Liquors. 18 Vic., cap. 36 (1855).

The manufacture, importation or sale, or keeping for sale, any liquors commonly known as being alcoholic, spirituous or intoxicating. Prohibition.

The right and duty of search and seizure given to revenue officers and justices of the peace. Vessels and other conveyances containing liquors forfeited and sold. Liquors destroyed. Search and seizure.

First conviction for importing, selling or keeping for sale, ten pounds; every suubsequent conviction, twenty pounds, or imprisonment three to twelve months. Penalties.

Permissions. Any chemist, artist or manufacturer permitted to keep, at his place of business, such reasonable quantity of distilled liquor as he may need in his trade or art. The sessions in each county to appoint annually an agent in each parish to import, buy and sell liquors for medicinal, mechanical or sacramental purposes.

Act. 1856 repealed the preceding Act. License Act 1854 revived. The Act came into operation January 1st, 1856; in July, 1856, at a special session of the Legislature, it was repealed, and the License Act of 1854 was revived.

Amendments to License Act.—33 Vic., cap. 13 (1870).

Petition against license. No license to be granted within any parish when two-thirds of the ratepayers of such parish petition against issuing license.

Penalties. Increases penalties for selling without license. First offence, fine of $10 to $40, or thirty to fifty days' imprisonment; second offence, $20 to $50, or forty to eighty days' imprisonment; every subsequent offence $60 or three months' imprisonment.

Interference with witnesses. Attempt to bribe or intimidate any person, to prevent him from giving testimony on any violation of this Act, punishable by fine of not less than $20.

Repeal. All parts of the Act of 1854 which are not in accord with the foregoing sections repealed.

Amendment to License Act 34 Vic., cap. 6, (1871).

When licenses not granted. No license granted within any parish or municipality when a majority of the ratepayers in such parish or municipality petition against issuing such license.

Duty of constables. Constables and policemen are required to search out and prosecute offenders against the liquor laws. Any such officer failing to perform this duty, liable to a penalty of $8.00, and dismissal from office.

To whom not granted. No license granted to any constable, special constable or policeman.

34 Vic., cap. 17, (1871.) Act relating to sale of spirituous liquors in St. John.

Preamble. States that the provisions of the law for prevention of sale of liquors on Sunday are continually violated with impunity, and that more effective measures are required to prevent such violations.

Prohibited hours. No sale shall take place, or place of sale be kept open, between 11 o'clock Saturday night and sunrise Monday morning.

The right to enter. Any officer of the peace is authorized to enter any place of any person who is suspected of violating the law. Refusal of admittance, or attempt to obstruct an officer in the exercise of this power, punishable by fine of $10 to $50.

Proof of sale. Liquors or vessels commonly used to contain liquors, showing recent use, deemed sufficient for conviction.

The buyer. Any person buying liquors contrary to the intention of this Act, subject to a fine of $10 to $50.

Posting the Act. A copy of this Act shall be posted in a conspicious place in the place where liquor is sold. Neglect to so post the Act is punishable by fine of $1.00 for every day of such neglect.

36 Vic., cap. 10, (1873): An Act to amend and consolidate the laws to regulate the sale of spirituous liquors.

Not granted. No retail or tavern license granted to any justice of the peace, constable or policeman.

Selling to the intoxicated. Selling or giving liquors to an intoxicated person, punishable by fine of $4 to $20.

Steamboat, etc. Selling liquors on steamboat or other vessel without license, punishable as other cases of unlicensed sale.

Licensed places shall be closed at ten o'clock in the evening of each week day, and be kept closed till six o'clock in the morning of the week day following. Violation of this provision punishable by fine of $8 to $20. Hours of closing and opening.

The other sections of this Act are the same as those in the Act of 1854, and amendments thereto, except such as are repugnant to and inconsistent with the foregoing sections.

### *The Canada Temperance Act*, 1878.

The Canada Temperance Act is in force in the following districts of the province:—Fredericton city, York, Carleton, Charlotte, Sunbury, Queen's, Kings, Westmoreland, Albert and Northumberland counties.

In the counties named are the following incorporated towns:—St. Stephen, Woodstock and Chatham, and the city of Moncton, all under the provisions of the Act.

The Act was in force in St. John county, which included the city of Portland. The city of Portland having become united to the city of St. John, the Act was repealed so far as it related to Portland, and in 1892 it was repealed in the county of St. John.

Other repeal votes have been had as follows:—Fredericton, three; York county, one; Charlotte county, one; Westmoreland county, two; all of which were unsuccessful.

### *The Liquor License Act*, 1887.

"Liquors" or "liquor," as used in this Act, means and includes all spirituous and malt liquors, and all combinations of drinks which are intoxicating, and lager beer. Definition.

Provides for appointment of inspectors of licenses by municipal and city councils. Inspectors.

Licenses of two classes, tavern and wholesale. Taverns not to sell in greater quantities than one quart; wholesale dealers not less than one pint. Licenses.

The license fees to be fixed by the council; but cannot be less than $50 nor more than $200 for taverns, and not less than $100 nor more than $400 for wholesale in towns and cities; in other districts $25 to $200, and $50 to $200, for taverns and wholesale respectively. Fees.

Application for license to be accompanied by certificate signed by one-third the ratepayers of the polling division in which place of sale is situate. Certificates.

The genuineness of the signatures and the qualification of signers to be established on oath. The names of applicants and description of place to be occupied, to be posted by inspector in his office, and except in St. John, on the outer door of the building in which council is to meet, 14 days before meeting of council.

Any person in the ward or parish for which license is asked may file objections to the granting of it; objection to character of applicant, and the premises; that premises to be occupied are in vicinity of place of worship, school-house, or hospital; that quiet of the place will be disturbed; that license is not required in neighbourhood. Objections.

No tavern shall have communication by any entrance with a shop or store in which any goods are kept for sale. Taverns must have a front entrance, in addition to the entrance to the place where liquor is sold. Limitations.

License shall not be granted to a member of a council or an inspector, or for his benefit, nor for premises of which an inspector is owner or part owner.

License not to be granted if a majority of ratepayers in a city, town or district petition against it.

The number of licenses not to exceed, in towns and cities, one for each 250 of the first thousand in a ward and one for each full 500 over 1,000 population; in parishes, one for each 400 up to 1,200 population, and one each full 1,000 beyond 1,200 population.

Local option. Any council may, by by-law, still further limit the number of licenses to be issued, or may ordain that no license be issued.

License fund. All money received for licenses and for fines and penalties for violation of the license law shall form the license fund of the district. The license fund shall be applied for payment of salary of inspector and expenses incurred in carrying out the law, the balance to be paid to the treasurer of municipality for public uses.

Regulations and prohibition. Licenses must be conspicuously exposed in premises licensed, the penalty for not exposing being $5 for each day.

The words "Licensed to sell spirituous or fermented liquors," in large letters, to be placed over the door of each tavern, the penalty for disregard of this provision being $5 for each day.

Lamp over tavern door. Every tavern keeper must keep a lamp over the door of his premises or within 20 ft. thereof, lighted after sunset and during the time his tavern shall remain open, the penalty for non-compliance being $5 for each night.

Only one bar. No more than one bar shall be in any licensed place.

Hours of restriction. No sale is allowed after 7 p.m. Saturday till 6 a.m. Monday, nor after 10 p.m. until 6 a.m. on the following morning on all other nights of the week.

Sale of liquor forbidden on election days. No sale or other disposal of liquor is allowed within the limits of a polling subdivision on any day in which a vote of any kind is being taken.

Selling to intoxicated persons. Selling or giving liquors to intoxicated persons, drunkenness, violent or disorderly conduct on the premises, subjects the licensee to a fine of $50.

Sale to constables when on duty. Harbouring or permitting a constable to remain on premises during any part of the time appointed for such constable to be on duty, or supplying him with liquors by gift or sale, is punishable by a fine of $50.

Refuse to admit and right to turn out intoxicated person. A licensee may refuse to admit an intoxicated person to his premises, and may turn out of the premises any intoxicated or disorderly person; and constables are requested to assist in expelling such persons.

Internal communication between licensed and unlicensed premises. To make or use any internal communication between any licensed and unlicensed premises is punishable by a penalty of $50 for every day during which such communication remains open.

Sale to minors. To sell or give liquors to a minor either for himself or any other person, punishable by a fine of $20.

Separated from groceries. License cannot be granted to sell liquor in any place where groceries or other merchandise are sold, or in any place connected with such store.

Unlicensed places. Liquor kept for sale in unlicensed places may be seized and destroyed.

Wholesale license. Brewers and distillers required to obtain wholesale licenses.

Not to be carried in same which as H. M. mail. Mail carriers not permitted to carry liquors in the same vehicle with Her Majesty's mails.

Tavern-keeper barred from holding any municipal office. Tavern-keeper cannot be appointed to or hold office as justice of the peace, or be elected to serve in any town, city or municipal council, or hold any office in the appointment of any town, city, or municipal council, or be elected to, appointed or serve as a trustee of schools.

The penalties for selling without license are: First $50 offence; second offence, $80; third offence, $80 and three months imprisonment, with hard labour. Penalties.

Magistrates may forbid sales for one year to persons who have in open court been shown to be wasting their property, injuring their health, or endangering the peace of their families. Sale to certain persons.

Any husband, wife, father, mother, guardian, tutor, or person in charge of asylum, hospital or other charitable institution, may require the inspector to give notice to any licensed dealer that he is not to sell to such persons connected with them, or under their control, as have become addicted to excessive drinking.

Whenever, in any place where liquors are sold, whether legally or illegally, any person has drunk to excess, and while in a state of intoxication, has come to his death by suicide or drowning, or from cold or other accident occasioned by such intoxication, the keeper of such place, and also any person or persons who delivered to such person liquor, shall be liable to an action as for personal wrong at the suit of the legal representatives of the deceased person, if such action be brought within three months after such decease, and may recover not less than one hundred or not more than one thousand dollars. Damages.

It is made the duty of constables and policemen, as well as inspectors, to search out and prosecute offenders against the laws. Constables.

Convictions for several offences may be made, though such offences have been committed on the same day. Any person may be a prosecutor. Evidence and witnesses.

It is not necessary, in proving the sale or disposal of liquor, to show that any money actually passed or any liquor was consumed, if the magistrate is satisfied that a transaction in the nature of a sale or other disposal took place or was about to take place.

A witness neglecting to obey a summons may be arrested on a warrant.

A witness must answer all questions pertinent to the issue, even though his answers tend to subject him to a penalty imposed by this Act.

Nothing in this Act shall be construed to affect or impair in any respect the Canada Temperance Act. Canada Temperance Act.

No license shall be issued to have effect within any district in which the Canada Temperance Act is in force.

By this Act every municipality in which the Canada Temperance Act is or may hereafter be in force, is authorized to appoint an inspector, whose duty shall be to search out and prosecute offenders against the Canada Temperance Act.

All acts and all amendments thereto, heretofore in force in the province, are, by this Act, repealed. Repeal.

This Act went into operation 1st Nov., 1887.

# APPENDIX No. 63.

## TEMPERANCE WORK IN NEW BRUNSWICK.

Temperance work, in various forms, has been done in New Brunswick for many years. About sixty years ago, 1832–33, it assumed more definite form than previously.

Total abstinence societies were organized, some religious denominations participating actively in the work. The movement became quite wide spread; the enrolment reaching probably 8,000 or 10,000. This movement included many organizations of children under the name of "The Cold Water Army." For twelve or fourteen years the temperance reform was carried on almost entirely by these societies. Their influence did much to mould public opinion concerning the drink habit and traffic, and increased greatly the numbers of total abstainers pledged and unpledged.

In 1847 the Sons of Temperance society was introduced into the province. It spread rapidly and organizations were established in almost every part of the province. It was an active and aggressive body, embracing in its membership many of the most promising young men in the country. For several years the temperance reform was carried on principally by it, and with marked effect. The old total abstinence societies and the sons of temperance, chiefly the latter, created the temperance sentiment which was strong enough to secure the enactment, in 1855, of a prohibitory law for the province, which, however, was repealed in 1856.

Later, the work of propagating and strengthening the temperance sentiment has been shared by other organizations; as the Temple of Honour and Temperance, the British Templars, the Good Templars, the Royal Templars. All these societies have juvenile organizations. By their earnest efforts great good has been done; the intemperate have been reformed, the weak have been protected, the young have been taught, and generally, there has been created a stronger and better temperance feeling.

In 1877–78 what is known as the "Blue Ribbon" movement was introduced. It was particularly in the interest of those addicted to drink. Reform clubs were organized in many places, enrolling thousands of members, many of them men whom it had been impossible to induce to join any other temperance society. A percentage of the drinkers who signed the pledge remained faithful to it. The Blue Ribbon movement did its share towards creating the sentiment that soon after found expression in the adoption of the Canada Temperance Act in many parts of the province.

The W. C. T. Union was introduced into the province in 1875, but the first organization—that in Moncton—remained alone till 1877, since which time it has steadily progressed. There are now 36 local organizations, with a large aggregate membership. Organizations for younger people and for children, under the auspices of the W. C. T. U., are in several places. It is impossible to accurately estimate the strength and extent of the influence exerted by these organizations, or to tabulate the good accomplished by it. The effect has been very marked.

The several denominations of the Christian Church, have, some of them for many years, and all of them in late years, manifested deep and increasing interests in temperance reform. There is a Catholic total abstinence union, and a Church of England temperance society, while the Baptist, Presbyterian and Methodist Churches are strongly committed to temperance work, and, by their pulpits, their Sabbath schools and their publications, have done much, and are increasingly active and influential in promoting total abstinence, and in opposing the liquor traffic, and in endeavouring to create a feeling and purpose to further restrict it:

Some denominations make total adstinence a condition of church membership, and will not receive as a communicant any one engaged in the liquor traffic. Other denominations require the use of unfermented wine in the sacrament of the Lord's Supper.

The Salvation Army has done good work in behalf of temperance.

The School's law of the province provides for scientific temperance instruction in the public schools.

Sir Leonard Tilley, during more than twelve years he was Lieutenant-Governor, gave the province the example of a total abstinence Government House.

It is claimed that the results of these various efforts by societies, churches and individuals, are apparent in the changed social customs of the people, in the strong temperance sentiments amongst the young, in the decreased consumption of liquors, in the steadily severer restrictions placed upon the traffic, and in the adoption of the Scott Act by so many districts.

In this connection it may be stated that the following resolutions were unanimously adopted by the Legislature of the Province, April 7th, 1893:—

"WHEREAS, In the opinion of this Legislative Assembly, the enactment of a prohibitory liquor law would conduce to the general benefit of the people of the province, and meet with the approval of the majority of the electorate; and

"WHEREAS, Legislative power in respect of the enactment of such law rests in the Parliament of Canada; therefore,

"RESOLVED, That this Assembly hereby expresses its desire that the Parliament of Canada, shall with all convenient speed, enact a law prohibiting the importation, manufacture and sale of intoxicating liquors, as a beverage, into or in the Dominion of Canada."

# APPENDIX No. 64.

## MEMORANDUM RESPECTING LEGISLATION IN THE PROVINCE OF PRINCE EDWARD ISLAND.

September 19th, 1770, the first governor of the island of St. John (now Prince Edward Island) was sworn in.

September 24th, 1770, proclamation was made of separate government for the Island from Nova Scotia.

November 7th, 1770, Governor Patterson brought to the notice of the council that "he has been informed that the drinking of spirituous liquors is become very common among the lower order of the people, the constant and excessive use thereof tends to the destruction of their health, rendering them unfit for useful labour, besides debauching their morals."

At the first session of the first general assembly of the province in 1773 an Act was passed to restrict the trade and prevent the evils which the governor had brought to the attention of his council.

### 1773.—13 George III., cap. XII.

"An Act prohibiting the sale (by retail) of rum, or other distilled spirituous liquors, without first having a license for that purpose and for the due regulation of such as shall be licensed."

"Whereas, the practice of drinking rum, or other distilled spirituous liquors, has become very prevalent and common, especially among artificers, servants, labourers, soldiers and sailors, sojourning in and belonging to this island; the constant and excessive use whereof tends greatly to the prejudice of their health; renders them incapable of discharging the duties of their respective occupations; debauches their morals, and incites them to practice of various other vices.—For remedy whereof:"—

Section I.—Provides that no one shall retail rum, etc., directly or indirectly, in less quantities than 20 gallons, without license from governor. Penalty, first offence, £2 sterling, and for second and each subsequent offence £5 or six months' imprisonment; mode of recovery and application, one-half to informer on conviction and one-half to treasury. In case of no goods to levy on, one month's imprisonment for first offence and six months for every subsequent offence.

Section II.—A person paying a debt due to artificer, etc., in liquor (except the supplies to fishermen actually employed with them) to be guilty of an offence against the Act.

Section III.—No retailer to collect debt for more than five shillings.

Section IV.—Pledges for payment of any sum for liquor to be restored.

Section V.—Retailer allowing customer to intoxicate himself, or selling on Lord's Day to forfeit license.

Section VI.—Penalty on witness refusing to give evidence, fine of five pounds.

Section VII.—Any justice neglecting duty, under this Act, to forfeit ten pounds, one-half to informer, one-half to treasury.

Section VIII.—Mode of recovery of fine.

Section IX.—Appeal to Supreme Court.

## 1774.—14 George III., cap. 5.

An Act laying an imposition upon retailers of rum and other distilled spirituous liquors.

Repealed, and re-enacted by 25 George III, cap. 4, an Act to amend and render more effectual, and to reduce into one act, the several laws made by the general assembly of this island relative to the duties of import on wines, rum, brandy and other distilled spirituous liquors, and for allowing a drawback upon all wines, rum, brandy and other distilled spirituous liquors exported from this island.

Section I.—Import duty, wine 6d. per gallon; rum, brandy or other distilled spirituous liquors, in lieu of all former duties, the said sum of 6d. (pence).

Section II.—All duties under ten pounds to be paid on the landing of the goods. Where the duty amounts to 10 and not exceeding 50 pounds (at the rate of 5 shillings to the Spanish Milled dollar) 3 months credit to be given; between 50 and 100 pounds, 6 months credit; over 100 pounds, 9 months credit.

Section III.—Security to be given for payment of said duties.

Section IV.—Masters of vessels to report cargo and take oath.

Section V.—All wine, etc., not duly entered, to be forfeited. Other sections refer to appointment of collectors and penalties for breach of the act.

Section XX.—Allows drawback of 4d. per gallon on all experts.

Section XXVII.—No drawback for less quantity than 30 gallons.

## 1779.—19 George III., cap. 2.

An Act intituled an Act for imposing a duty of 4 pence per gallon on rum and other spirituous liquors, etc., for regulating the conduct of tavern-keepers, and for altering and amending an Act made and passed in the 13 George III., imposing a duty on retailers of rum and other distilled spirituous liquors.

Continued for four years and until the end of the then next General Assembly, when it was repealed by 21 George III, Cap. 7 intituled, An Act for granting to His Majesty an additional duty on all rum, brandy and other distilled spirituous liquors, and a duty on all wines imported into this island.

This Act for was repealed, and re-enacted by 20 George III, cap. 4 already stated.

## 1781.—21 George III., cap. 8.

An Act for allowing a drawback on all rum, brandy and other distilled spirituous liquors and all wines exported from this island, as likewise for exempting all spirituous liquors and wines from paying a duty, that may be imported into the Island on purpose to be re-exported.

(Repealed and re-enacted by 25 George III., cap. 4, above.)

## 1785.—25 George III., cap. 8.

An Act in addition to an amendment of the Act of 1773 and subsequent Acts.

Sets forth that previous Acts have been ineffectual. Preamble.

Unlicensed sellers made liable to penalties whether sale is by themselves or by their wives, children, servants or substitutes anywhere in house, shop or street; whether selling, or only offering or exposing for sale, any spirituous or fermented liquors, by whatever name called. Unlicensed sales.

Imprisonment. Imprisonments of the Act of 1773, said to be disproportionate to the nature of the offences, and might induce certain persons, from motives of compassion, to assist offenders in escaping; therefore the imprisonment for first offence is made twenty days; for second and each subsequent offence, sixty days.

Selling in more than one place two gallons. Selling in more than one place by virtue of one license prohibited. Any merchant, shopkeeper or other person may sell any quantity, not less than two gallons, to be delivered at one time, without license.

License commission. Judges of the supreme court, the speaker of the house of assembly, the senior justices of the peace attending court, and the foreman of the grand jury, constituted a commission to consider and fix the amount to be paid in any case for license.

Free license. The governor empowered to grant licenses gratis, as an encouragement to keepers of houses of entertainment on public roads distant from the town; also to keepers of ferries for the benefit of the public.

License to be sued for. Licensee neglecting or refusing to pay the amount fixed by the commission, to be sued for it by the provincial treasurer.

Half fine to informer. Half the fines for illegal sale to go to the informer, who might sue for it.

## 1825.—6 Geo. IV., cap. 8.

An Act in addition to, and in further amendment of, the Act of 1773, and amendments thereto.

## 1830.—11 Geo. IV., cap. 18.

An Act for granting licenses to tavern-keepers and store-keepers, and for regulating persons licensed; and to suspend the operations of the Acts therein mentioned.

The two foregoing Acts could not be found, except their titles.

## 1832.—2 William IV., cap. 11.

An Act to prevent tavern-keepers from harbouring or entertaining sailors at improper hours (after 8 p. m. from October 1st to April 30th, and after 9 p. m. from May 1st to September 30th), without a written pass from their commanding officer Penalty, twenty shillings; half the fine to go to the informer.

## 1833.—3 William IV., cap. 33.

An Act to repeal the several Acts relating to licenses for retailing liquors, and to make other provisions in lieu thereof.

Conditions of tavern licenses. No license granted unless the person to be licensed shall keep in his tavern (if it be in Charlottetown) four good feather beds and bedding, and also good stalled stabling and wholesome provender for six horses; or (if in the country), two such beds and like stabling, etc., for horses.

Certificate and oath. The applicant for license to have a certificate from two neighboring justices that he has the required accommodation; and also himself to make oath that he has the necessary accommodation.

Penalty for neglect. Neglect to keep the required accommodation, or refusing to entertain travellers, punishable by fine of forty shillings.

By whom granted. The Governor authorized to grant licenses. He had power to grant free licenses.

License fees. Tavern license, in Charlettetown, five pounds; in the country, forty shillings. To other than tavern keepers, license to sell not less than one quart, three pounds ten shillings; to sell at retail, twelve pounds.

Licenses might be granted to storekeepers for six months in every year.

Selling less quantities than two gallons without license, punishable by fine of five pounds for first offence; ten pounds for each succeeding offence. Penalties.

Much inconvenience and loss of property having been sustained by travellers by having their carriages and other vehicles injured by pigs and other animals running at large about houses of entertainment, every tavern-keeper was required, on pain of a fine of twenty shillings, to have a place enclosed for the exclusion of all such animals, etc. Pigs, etc.

Sale or furnishing on Sunday, except to boarders and lodgers, prohibited. Penalty, twenty shillings. Sunday prohibition.

Every licensed tavern-keeper required to keep a sign board in a conspicuous place, with his name and the words "Licensed Tavern Keeper" painted thereon. Signs.

Penalty for neglect, twenty shillings.

## 1836.—6 William IV., cap. 19.

### Act of 1833 amended.

Applicant for license to give bond that he will keep order in his premises. To keep order.

Permitting card or dice playing, raffling, shuffleboard, skittles or any other game of chance; furnishing liquors to one in a state of intoxication; being himself openly and repeatedly intoxicated; keeping his tavern open at late and unreasonable hours; permitting guests to quarrel and fight or become otherwise riotous, are within the meaning of the Act, disorderly conduct. Disorder defined.

License to sell in quantities less than one quart confined to tavern keepers. Less than one quart.

## 1836.—6 William IV., cap. 24.

No candidate for election to the Legislature shall either dy himself or others, directly or indirectly, supply rum or other liquors to any elector during the continuance of the election, within five miles of the place of such election.

Penalty, five pounds.

## 1838.—1 Victoria, cap. 12.

No tap allowed in any prison; and no wine or other liquors admitted for use of prisoners except by written order of the visiting magistrates or surgeon, specifying the quantity, and for whose use.

## 1846.—9 Victoria, cap. 26.

The provisions of the Act of 1836, re-enacted, except in so far as they are inconsistent with the following amendments:—

A list of tavern-keepers to be delivered to the grand jury at the opening of each sitting of Supreme Court; the grand jury to make diligent inquiry as to the observance of the law by licensees and to make presentments of every one guilty of any breach of the law. A list to grand jury.

Every licensed store or tavern-keeper to keep a copy of his license posted in a conspicuous place in his store or tavern. Copy of license posted.

Penalty of neglect, 40 shillings.

Selling or exposing for sale out of doors, or in booth or tent, at fair, market, race ground or other place other than the constant residence place of the licensee illegal. Prohibitions.

Liquors may be destroyed. Magistrates or constables may, upon view of the fact, destroy or cause to be destroyed, the liquors so exposed for sale.

Constables sworn. All constables sworn, in addition to the usual oath of office, to enforce the provisions of the license law.

## 1847.—10 Victoria, cap. 16.

Sale in market prohibited. The market clerk in Charlottetown, empowered and required and enjoined to seize and destroy all spirituous liquors which, on market days, shall be sold by retail, or offered or exposed for sale within the market house, or within the exterior limits thereof, or which shall be brought into the market house or placed upon the public street or square within view of the market house, contrary to the license law.

Penalty for neglect of duty by market clerk, five pounds.

## 1848.—11 Victoria, Cap. 21.

### Further relating to elections.

Any candidate furnishing or permitting to be furnished at his expense, or by any means, to any elector or person who may claim to be an elector, any wine or other spirituous or malt liquors punishable by a fine of one hundred pounds.

## 1849.—12 Victoria, cap. 12.

### Further relating to prisons, &c.

Any keeper of prisons selling, giving away or permitting to be sold or given any liquors in contravention of the rule of the province, to be fined five pounds, or in default, to be dismissed from office.

Any person taking or endeavouring to take liquors into a prison or house of correction, to be fined five pounds, or imprisoned two months.

Liquors seized. Liquors unlawfully kept in a jail to be seized and disposed of as the magistrates direct.

## 1856.—19 Victoria, cap. 1.

### Distilleries.

The governor empowered to grant licenses to distil, extract or manufacture spirituous liquors.

Fee. Five pounds annually.

Penalty. Distilling without license unlawful. Penalty, fifty pounds.

## 1856.—19 Victoria, cap. 2.

### Consolidation and amendment of License Laws.

Contains the provisions of the Act of 1846 and amendments thereto, with these additions.

Unlawfully imported liquors. A tavern-keeper having for sale, or in his possession, liquors illegally imported, liable to penalty of five pounds.

Sale on credit. No sale on credit of a less quantity than one pint.

Constables, etc. A constable refusing or neglecting his duty in enforcement of license law; and any person interfering with a constable in performance of his duty, liable to penalty of one to two pounds for each offence.

Lending beds. Any person lending beds or bedding to an applicant for license, for the purpose of enabling the applicant to get a certificate that he has the required accommodation, is punishable by a fine of five pounds, and the forfeiture of the beds and bedding loaned.

## 1860.—23 Victoria, cap. 12.

### An Act to amend the Act of 1856.

No tavern license to be granted within the bounds of any school district (the city of Charlottetown excepted) unless the applicant present a certificate of his moral character, and declaring the necessity for an inn, signed by two neighbouring magistrates and a majority of the householders resident in and entitled to vote for trustees of schools for the district within which the proposed tavern shall be situate. Conditions upon which licenses should be granted.

If the husband, wife, parent, child, brother, sister, master or guardian of any person addicted to the intemperate use of intoxicating liquors, or any justice of the peace or minister of the gospel residing in the county wherein such intemperate person resides, shall give notice in writing to any person engaged in the sale of liquors that such person is addicted to the intemperate use of intoxicants, it shall be unlawful, under any pretence, to sell or give any liquors to such intemperate person, to be used on the premises, or any quantity less than five gallons to be removed from the premises at one time. Not to sell to intemperate persons after having been notified.

Penalty for first offence five pounds; for second or subsequent offence, ten pounds and imprisonment for thirty days. Penalties.

## 1862.—25 Victoria, cap. 5.

### An Act to further amend the license laws.

Applicant for renewal of license must present certificate signed by two magistrates, setting forth that he has heretofore conducted his tavern in an orderly manner and in all respects according to law. Renewal of license.

No license to be granted in Charlottetown unless, in addition to the other certificates required by the law, the application for license shall have been approved by a majority of the city council. Charlottetown.

In any case where by habitual intoxication, any person has, in a great measure, lost self-control and become incapable of managing his affairs, thereby entailing ruin on his family, or loss of property, any three persons acquainted with his character and circumstances may petition the Master of the Rolls, stating the circumstances whereupon a writ may be issued directing the sheriff to summon a jury of twelve persons, which jury shall inquire into the case. Habitual drunkards, etc.

If the intemperate person is found to be as represented the Master of the Rolls shall appoint one or two persons to stand in the same relation to him and have the same powers as a committee of a lunatic's case.

Any person taking any of the oaths required by the license law, falsely, shall be held guilty of perjury, as in any other case, and be subject to all the penalties for perjury. False swearing.

The words "spirituous liquors" and the like, as used in the Act, are held to mean and include, wine, brandy, rum, gin, whisky, and all compounds of the same of which alcohol is an ingredient, and also malt liquors, ale, porter and lager beer. Definition of "liquors."

Sale to Indians prohibited. Indians.

## 1865.—28 Victoria, cap. 8.

### An Act to further amend, etc.

No license granted or renewed if two-thirds of the male inhabitants of any school district petition that a tavern is unnecessary and objectionable. Two-thirds petition against.

Majority consent required. No license to sell in quantities less than two gallons granted, without the consent in writing of the majority of inhabitants of the district in which the place of sale is proposed to be.

Charlottetown. Charlottetown exempt from the provisions of this Act.

## 1868.—31 Victoria, cap. 2.

An Act to further amend, etc.

Public meeting to determine about license. A public meeting of ratepayers to be called, at which the question of consent to the issue of tavern license shall be determined by a majority vote of those present.

A prohibition. No government office shall be kept or held in any licensed tavern or place licensed to sell liquors.

## 1869.—32 Victoria, cap. 1.

The penalties for unlicensed distilling were increased.

## 1870.—33 Victoria, cap. 9.

An Act to amend, etc.

Annulling license. The grand jury for any county empowered to annul the license of any retailer guilty of infraction of any provisions of the law.

An annulled license not to be renewed by the council without the consent of the Governor.

Sale to minors. Selling or furnishing liquor to minors prohibited. Drinking by minors on the premises also prohibited.

Penalties. The penalty for sale or furnishing to minors: first offence, five pounds and license suspended six months; second offence, ten pounds, and license cancelled.

## 1876—39 Victoria, cap. 2.

An Act to further amend, etc.

Notice of meeting to consider license. The applicant for license to give notice, signed by the nearest justice of the peace, two weeks, in a paper published in the county, also posted on the school-house of the district, and copies served on school-teachers or trustees of schools, of a meeting to consider his application. When the meeting is held, the question shall not be put for at least a half-hour after the hour at which the meeting was called.

Applicant's oath. The applicant must make oath that all these requirements were observed.

License fees. Tavern, $30; other retailers, $75.

Penalties. Selling without license: first offence, $20; second offence, $40.

Inspector. The Governor in Council may appoint an inspector of licensed taverns, whose duty it shall be to oversee taverns and prosecute violations of the law.

Salary, etc. The inspector to receive not less than $400, not more than $600 a year. He may enter any premises he suspects of infraction of the law. Required to report quarterly.

Charlottetown. The city of Charlottetown empowered to grant licenses under such regulations as the city council may ordain.

Hours of sale. No sale permitted between 10 p.m. and 6 a.m., except that travellers who may call at taverns for refreshment, and boarders, may be served.

## 1877—40 Victoria, cap. 14.

The power of the city council respecting the granting of licenses to be hereafter vested in a licensing board.

The licensing board to consist of three persons to be elected by the voters of the city. Licensing board, how chosen.

Persons directly or indirectly engaged or interested in the liquor trade in any way, ineligible for election as members of the board. If any member of the board during his term of office becomes interested in the liquor trade, his seat becomes immediately vacant. Persons ineligible.

When the board has determined that license may be granted in any case, the application must be submitted to the ratepayers in the block where the place proposed to be licensed is situate, and also to those on the opposite side of the street; and if a majority signify in writing their desire that the license be granted it shall issue; otherwise it shall be refused. Proposed licenses to be submitted to ratepayers.

## 1878.—41 Victoria, cap. 13.

An Act to amend, etc.

An application for renewal of license to be accompanied by all the required certificates, as in the first application. Application for renewal.

Any person voting at a meeting to determine about license, under any bribe of any kind, from an applicant or in his behalf, liable to a penalty of $20.

Games of chance for money, liquor, etc., in licensed premises prohibited. Penalty, $20. Games of chance.

## 1879.—42 Victoria, cap. 6.

Expiration of licenses.

All licenses in the province to expire on the 2nd day of August in each year.

All Acts of the P. E. I. legislature to be suspended in every county or city which adopts the Canada Temperance Act, and no license to be granted therein so long as the C. T. A. remains in force. No license where Canada Temperance Act has been adopted.

## 1880.—43 Victoria, cap. 13.

Seizures by inspectors, etc.

Inspectors empowered to seize liquors had for illegal sale, and to destroy them.

## 1878-1881.—The Canada Temperance Act.

In 1878 Prince county adopted the C. T. Act, King's county, Queen's county, and the city of Charlottetown followed, and up to 1891 all parts of the island were under the operations of the Act. Canada Temperance Act adopted.

In 1891 the city of Charlottetown repealed the Act by a majority of fourteen votes. Repeal vote.

From the repeal of the Act till 1892 the drink traffic in Charlottetown was without any restrictions. Free sale.

In 1892 the legislature passed certain police regulations applicable to the drink traffic in Charlottetown, viz., the place in which liquor is sold to have but one door, and that to open on the public street; no screen or curtain at the window; no stalls or other partitions within; and fixing the hours of opening and closing. Police regulations.

There is, however, no license, and whoever chooses may sell, subject to the above police regulations. No license.

# APPENDIX No. 65.

## TEMPERANCE WORK IN PRINCE EDWARD ISLAND.

About 1830 temperance work in Prince Edward Island began to take definite form. Societies were organized in some places. The members were pledged to temperance, as it was then understood, but not to total abstinence. They might drink wine and malt liquors, but not the stronger liquors, so called.

Very soon after, total abstinence societies began to be organized, and, doubtless, did much good, more especially amongst the young. They prepared the way for the introduction of more carefully organized temperance work.

In 1848 the Sons of Temperance organization was introduced into the Island. From that date to the present time temperance endeavour has been systematic, increasing, and with marked effect. The Sons of Temperance have a large number of divisions in the Island, have enrolled a large membership, and have, as is conceded by all, exerted a strong influence.

The British Templars for several years had a considerable membership, and were active and successful in prosecuting their work. During late years they have disbanded, their members becoming absorbed in other organizations having the same end in view.

In 1863 the Good Templars Order was introduced, and has since been active in promoting temperance. There are lodges of the organization in many parts of the Island, the aggregate membership of which is large. They have juvenile societies, in which is a large number of boys and girls being trained for a sober and useful life.

For several years the Woman Christian Temperance Union has been active in temperance and other Christian work. With great diligence its work, of many branches, has been prosecuted, and with effect that cannot be tabulated. Not women alone have been reached and helped, but men and children have come within the beneficent influence of the organization. It has done its full share in moulding public opinion.

Besides what has been done by these societies, the churches of all denominations are more or less active in promoting total abstinence and the things that contribute thereto. In the churches the interest in the subject, and activity in advancing it, have increased year by year. The Roman Catholics have a temperance society. The Presbyterian, Methodist, Baptist, Episcopal and Disciple Churches are, by their ministers and official members, and in their Sabbath Schools, doing much to create and strengthen temperance sentiment.

It is claimed that the fruit of these organized efforts by churches and societies, and of earnest individual efforts, is manifest in many ways:—

(*a.*) The large number of total abstainers;

(*b.*) The changed thought and feeling of the people about drinking and the drink traffic;

(*c.*) The increase of restrictions, which, by legal enactment, have been put about the liquor traffic;

(*d.*) The adoption of the C. T. Act in every part of the province.

# APPENDIX No 66.

Statement of the cost to the Province of Prince Edward Island of maintaining jails, houses for the poor, asylums for lunatics, etc., for the years 1867 to 1891 inclusive. (Each year separately.)

| Year. | Population. | Number of prisoners committed to jail. | Number of lunatics. | Number of poor receiving relief in poor-house only.* | Number of jails and prisons. | Number of asylums for lunatics. | Number of homes and almshouses for the poor. | Cost of maintaining jails. | Cost per head of prisoners committed to jail. | Number committed for drunkenness. | Number committed for offences against license law. | Cost per head of those committed for drunkenness and offences against liquor laws. | Cost of arresting and conveying to jail prisoners arrested for drunkenness and offences against license laws. | Cost of maintaining lunatics. | Cost of maintaining the poor, i. e., poor-house from 1869 and pauper grants from 1867. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | $ | $ | | | $ | $ | $ | $ |
| 1861 | 80,857 | ..... | Records for these years not obtainable. | Not established till 1868. | 3 | 1 | ..... | 3,997 75 | 15 67 | 125 | 2 | Have no data from which this information can be obtained. | Have no data from which this information can be obtained. | 5,249 35 | 3,291 48 |
| 1867 | ..... | 255 | | | 3 | 1 | ..... | 3,520 47 | 13 08 | 66 | 1 | | | 4,801 86 | 3,619 18 |
| 1868 | ..... | 269 | | | 3 | 1 | 1 | 3,999 63 | 9 61 | 88 | 3 | | | 4,588 16 | 4,750 41 |
| 1869 | ..... | 416 | 27 | | 3 | 1 | 1 | 2,386 28 | 10 46 | 67 | 0 | | | 4,704 44 | 5,461 00 |
| 1870 | ..... | 228 | 31 | | 3 | 1 | 1 | 4,625 45 | 15 89 | 124 | 6 | | | 4,866 67 | 5,582 48 |
| 1871 | 94,021 | 291 | 40 | | 3 | 1 | 1 | 3,482 26 | 10 30 | 166 | 6 | | | 5,105 44 | 7,829 37 |
| 1872 | ..... | 338 | 39 | | 3 | 1 | 1 | 5,164 56 | 14 51 | 109 | 5 | | | 7,462 82 | 7,276 61 |
| 1873 | ..... | 356 | 38 | | 3 | 1 | 1 | 3,887 97 | 11 99 | 74 | 4 | | | 4,542 00 | 7,072 70 |
| 1874 | ..... | 324 | 41 | | 3 | 1 | 1 | 4,069 62 | 9 51 | 114 | 2 | | | 9,457 00 | 7,567 87 |
| 1875 | ..... | 428 | 39 | | 3 | 1 | 1 | 6,480 36 | 8 00 | 272 | 0 | | | 11,781 14 | 8,330 27 |
| 1876 | ..... | 810 | 40 | | 3 | 1 | 1 | 7,563 41 | 10 10 | 244 | 0 | | | 9,647 40 | 7,752 10 |
| 1877 | 749 | 78 | 41 | | 3 | 1 | 1 | 6,411 01 | 13 19 | 149 | 10 | | | 10,187 26 | 6,838 67 |
| 1878 | 486 | 78 | 42 | | 3 | 1 | 1 | 6,919 35 | 16 59 | 85 | 8 | | | 11,758 12 | 6,229 99 |
| 1879 | 417 | 86 | 43 | | 3 | 1 | 1 | 5,178 35 | 15 18 | 91 | 12 | | | 15,030 96 | 6,535 98 |
| 1880 | 341 | 97 | 43 | | 3 | 1 | 1 | 5,268 52 | 21 42 | 53 | 10 | | | 14,290 98 | 7,289 24 |
| 1881 | 103,891 | 246 | 97 | | 3 | 1 | 1 | 4,672 05 | 21 53 | 59 | 9 | | | 18,508 67 | 7,792 26 |
| 1882 | ..... | 217 | 104 | | 3 | 1 | 1 | 3,629 95 | 19 73 | 52 | 15 | | | 16,828 40 | 7,367 15 |
| 1883 | ..... | 184 | 100 | | 3 | 1 | 1 | 4,589 01 | 22 71 | 52 | 34 | | | 19,034 25 | 6,855 07 |
| 1884 | ..... | 202 | 114 | | 3 | 1 | 1 | 4,041 03 | 16 23 | 89 | 33 | | | 18,068 85 | 6,846 92 |
| 1885 | ..... | 249 | 115 | | 3 | 1 | 1 | 4,508 63 | 17 89 | 101 | 27 | | | 16,971 77 | 7,545 82 |
| 1886 | ..... | 252 | 122 | | 3 | 1 | 1 | 4,441 11 | 21 56 | 93 | 32 | | | 16,676 60 | 7,363 98 |
| 1887 | ..... | 206 | 120 | | 3 | 1 | 1 | 4,079 94 | 18 63 | 99 | 49 | | | 17,344 43 | 7,380 52 |
| 1888 | ..... | 219 | 122 | | 3 | 1 | 1 | 4,360 99 | 15 52 | 135 | 41 | | | 17,781 97 | 8,075 02 |
| 1889 | ..... | 281 | 138 | | 3 | 1 | 1 | 3,926 83 | 20 03 | 88 | 41 | | | 16,059 71 | 8,197 81 |
| 1890 | ..... | 196 | 129 | | 3 | 1 | 1 | 4,905 71 | 29 03 | 122 | 28 | | | 17,604 74 | 7,385 55 |
| 1891 | 109,080 | 169 | 137 | 47 | 3 | 1 | 1 | | | | | | | | |

Offences under C. T. Act.

*The number of poor receiving government pauper money, placed at the disposal of clergymen and others annually, cannot be ascertained.

ARTHUR NEWBERRY, Assistant Provincial Secretary.

# APPENDIX No. 67.

## QUEBEC LICENSE LAW.

Unless a license has been previously obtained from the government, it is forbidden to keep within the limits of this province:

1. A tavern or temperance hotel;
2. A restaurant or bar on a steamer, a dining car or buffet;
3. A wholesale or retail liquor store;
4. A railway or lunch counter or a tavern in the mines, or
5. To sell intoxicating liquors, by sample, on commission or otherwise;

5*a*. To sell wine, ale, beer, lager beer, porter and cider;

5*b*. To sell apple cider and domestic wines the product of the vendor;

6. To follow the trade of bottler, or, in the case of a druggist, to sell intoxicating liquors without the certificate of a physician, or in quantities exceeding a pint (imperial measure) at one time.

Each license is issued by one of the revenue collectors.

The license is good only for the person designated, and is valid as long as that party occupies the establishment for which it has been obtained and that said person duly remains proprietor of the business therein carried on.

Previous to obtaining a license in all organized territory, the applicant must furnish to the collector of revenue a certificate signed by one-quarter of the resident municipal electors, if they number less than fifty, of the parish, township, village town, or city ward within the limits of which is situated the house for which the license is asked. The certificate declares that the applicant is sober, honest and of good repute, that the house referred to contains all the accommodation required by law, and that a house of public entertainment is needed.

In the cities of Quebec and Montreal a certificate cannot be obtained if an absolute majority of the electors of the ward manifest their opposition in writing to the granting of such license, or if it is proven to the satisfaction of the parties entrusted with the confirmation of the certificates that the applicant has a bad reputation, that he has already tolerated drunkenness or disorder in his house; that he has already been fined twice for selling liquors without a license, or has been found guilty of illicit trading in intoxicating liquors.

Every licensee of the city of Montreal or Quebec enjoying a good reputation, having had a license and having conformed to all the requirements of the law during the previous twelve months, and who produces an affidavit to that effect can apply for a similar license for the ensuing year, without having to produce a certificate signed by municipal electors.

The authorities entrusted with the confirmation of certificates must refuse all certificates wherever the majority of the municipal electors of the division fyle an opposition.

Outside the cities of Montreal and Quebec the certificates must be confirmed by a decision of the municipal council within the limits of which the house is situated. The certificate must be refused if it is proven to the satisfaction of the council: 1; that the applicant is a man of bad reputation, having already allowed or tolerated disorder in his house; or 2; that said applicant has already been fined twice for selling liquors without a license; or 3, that his application for a license is opposed by an absolute majority of the electors; or 4, if he has been found guilty of illicit trading in intoxicating liquors.

At Quebec the confirmation of the certificate is granted in the police court by the judge of the sessions of the peace, or the recorder, and, for the city of Montreal, at the police court at Montreal, by the two judges of the sessions of the peace and recorder, or any two of them.

Any person may oppose the confirmation of a certificate; the competent authority, may at all times, when it deems proper, proceed to an enquiry under oath on said opposition, and for that purpose summon any person and have him sworn.

The confirmation or the refusal of a certificate lies at the discretion of the authority, and its decision is final.

In the city of Montreal, for the year commencing the 1st May, 1894, the number of licensed hotels and restaurants is fixed at 440, and for the year commencing 1st May, 1895, at 400; and this number cannot be exceeded in any subsequent year.

For the confirmation of certificates in the cities of Montreal and Quebec the sum of $8 is paid to the corporation of each of those cities, and as regards other municipal corporations, a sum not exceeding $20 can be enacted for a similar purpose.

Before obtaining his license the applicant must furnish two sureties for a sum of $200 each.

In the cities of Montreal and Quebec a license is only transferrable to the heirs of the licensee in the event of the decease of the latter before the expiry of said license. In exceptional cases, however, such transfer can be made under a special authorization of the treasurer of this province.

In all other parts of the province, except those above mentioned, if the bearer of the license leaves the house or dies before the expiry thereof, his representatives or himself, as the case may be, can transfer it to another person. The assignee must furnish the security to which the bearer of the license is held.

No license for a restaurant can be granted except in cities and towns.

In unorganized territories license applications must be submitted to the provincial treasurer and are subject to his approval.

The licenses for bars on steamers are granted solely on payment of the requisite fees and charges to the proper revenue collector.

Dining car licenses are granted by the Lieutenant-Governor in Council. The company obtaining such a license can sell only wine or beer. These sales are restricted to the *bona fide* passengers on the train to which the dining car or buffet is attached. No sale can be made when the train is at or within the limits of a station.

The conditions and formalities required for tavern licenses are equally applicable, *mutatis mutandis*, in order to obtain a license to retail intoxicating liquors in stores, with the exception that the number of electors' signatures is limited to 25.

Licenses to sell by sample or on commission are granted simply on payment of the requisite fees and charges.

Before a club can obtain a license a copy of its constitution and by-laws must be submitted to the provincial treasurer.

A special license may be granted by the provincial treasurer for the sale of intoxicating liquors at agricultural and industrial expositions, at pic-nics of national and commercial associations, and at races. However, no intoxicating liquors can be sold or given, either in villages or rural municipalities, at auction sales, ploughing matches, fairs or political meetings, nor during municipal or school elections, except wine or beer, and that at table during meals.

The formalities required for obtaining a tavern license apply to licenses for temperance hotels. Licenses for the sale of cider, the product of the vendor, and for the sale of domestic wines are granted on payment to the provincial collector of revenue of the requisite fees and charges.

The manufacturers of domestic wines may add to the native grape 25 per cent of imported grapes (*raisin en grappes*), dry raisins or imported currants.

On receipt of a petition from a railway company the Lieutenant-Governor in Council may grant it a license to sell at a specified station intoxicating liquors to passengers on said railway.

Whenever a municipal council adopts a by-law prohibiting the sale of intoxicating liquors within the limits of its jurisdiction the collector cannot grant any license for the municipality governed by said council.

In municipalities where the sale of intoxicating liquors is prohibited the sale thereof may be allowed, by a specially authorized person, for medicinal or religious purposes only, on the certificate of a physician or of a member of the clergy, and not otherwise. This person must be appointed by a motion of the municipal council, and a certified copy thereof deposited with the collector of revenue.

The person obtaining said license is obliged to make a sworn statement before a justice of the peace and deliver same on the first day of each month to the collector of revenue, giving the names of the parties to whom he has sold liquors, the quantity sold, and on the certificate of whom the sale was made. Said certificate must accompany the report.

### TARIFF OF LICENSE FEES.

For each hotel license in the city of Montreal the charges are $400 if the rental or annual value of the place for which the license is asked is less than $400; $600 if the rental or annual value is $400 and less than $800; and $800 if the annual rental or value is $800 or more. In the city of Quebec these charges vary from $250 to $650; in all other cities $200; in all incorporated towns $180; in villages $150; in organized territories $125; in all unorganized territory $90.

For each license for the sale of intoxicating liquor in a club in the city of Montreal $300; in the city of Quebec $200; in any other part $100.

For restaurant licenses, railway buffets, the charges vary from $120 to $800, according to the locality for which the license is granted.

For each dining car license $50.

For each license to sell wine and cider exclusively 75 per cent of the amount of charges enacted for an inn or restaurant.

For each steamboat bar license $300.

For each license for the sale of intoxicating liquors in mines such charges as the Lieutenant-Governor in Council may fix, provided that same be not less than $125.

For each retail store liquor license in the cities of Montreal and Quebec $25 and 125 per cent of the annual value of the store for which the license is asked: provided that in no case the charges shall be less than $200 and shall not exceed $400. In every other city $200; in incorporated towns $160; in all other organized territory $125; in unorganized territories $70.

For each wholesale liquor license in the cities of Montreal and Quebec $25 00 and 125 per cent of the annual rental value of the store, provided that in no case the charges shall be less than $280, and shall not exceed $520. In all other cities $225; in incorporated towns $200; in any other portion of organized territory $160.

For each bottler's license the charges vary from $150 to $200; and, if not a brewer, from $90 to $125.

For each license to sell liquors for medicinal purposes the charges vary from $70 to $200.

For each license to sell apple cider $10.

For each license to sell liquors by sample or on commission $200.

For each license to sell native wines $10.

Druggist licenses from $100 to $150

In counties or municipalites where the sale of liquors is forbidden, in accordance with the Canada Temperance Act, no person can sell intoxicating liquors for medicinal or manufacturing purposes without paying for each license charges varying from $50 to $225.

Whoever sells intoxicating liquors without a license is liable for each contravention to a penalty of $150, if the contravention is committed in the city of Montreal, of $120 if committed in any other organized territory, and of $60 if the contravention is committed in any portion of unorganized territory.

If the bearer of a license purchases or receives from another person clothing, tools, goods, or agricultural implements, fishing tackle, furniture, household effects or provisions, either by sale or in exchange directly or indirectly, giving as price

of the whole or of part of these goods, intoxicating liquors, any Judge of the Sessions or two Justices of the Peace, may, on satisfactory proof thereof, issue his or their warrant for the restitution of the property and payment of all costs. The court before which a complaint has been laid, may, on satisfactory proof to that effect, cancel the license of an inn-keeper who allows any one to get intoxicated in his tavern or tolerates any disorder therein.

Every temperance hotel in a village or in the country should contain 3 bedrooms, with a good bed in each, for the accommodation of travellers.

The proprietor of said inn or hotel must keep in a barn, adjacent to the house, stabling for at least four horses.

Every inn or temperance hotel in a city or town must contain a kitchen of a sufficient size, and all the requisite utensils, for preparing meals for at least ten persons, a dining hall, and at least five bedrooms.

Every restaurant must be furnished so as to be capable of supplying meals to at least ten persons at a time.

Every inn, temperance hotel, restaurant, tavern and steamboat bar must be kept in a quiet and orderly manner. No games of chance must be allowed, and there must be only one bar, and at no time must liquor be sold willingly to intoxicated people or minors.

No intoxicating liquor must be sold in an inn or restaurant any week day between midnight and 5 a. m. and during the whole of Sunday the year round, except on a special demand for medicinal purposes, signed by a practising physician or a justice of the peace. The liquors so sold on special order must not be consumed on the premises.

Whoever being bearer of a "beer and wine" license, or of a license to sell cider and native wines, sells other liquors than those authorized by said licenses, is liable to a fine of $150; moreover, the license of the party so contravening must be cancelled, and cannot be renewed during that year.

Every person authorized to sell intoxicating liquors who has been found guilty of keeping a disorderly house, or has been condemned to the penitentiary, incurs the loss of his license.

Municipal councils have the right to make by-laws ordering the closing at 7 p. m. on Saturdays and at 10 p. m. every other night of the week, of all establishments where intoxicating liquors are sold, and of imposing a penalty not exceeding $50 for each offence.

Municipal councils cannot collect by by-law, resolution or otherwise a tax or charge exceeding in any year the sum of $200 in cities and towns, and $50 in all other municipalities.

The husband, wife, father, mother, brother, sister, curator or patron of any person in the habit of drinking to excess intoxicating liquors may give notice in writing to any licensed person not to sell or deliver intoxicating liquors to the person who has the habit of drinking to excess.

If the party so notified sells or delivers such liquors, they may be prosecuted by the person who gave the notice with an action for personal damages.

The proprietor of a hotel, restaurant, or of any other house where intoxicating liquors are sold, is liable to an action for damages in favor of the representatives of a person who has become intoxicated in his establishment, and who, in consequence of his intoxication committed suicide, or died through the effects of an accident caused by said intoxication.

If a person authorized to sell intoxicating liquors incurs condemnation for a contravention of the law, the tribunal may cancel the certificate by virtue of which the license was obtained, and in the case of a third contravention the certificate must be cancelled.

No suit can be maintained owing to, and on account of, the delivery of liquors sold in contravention of the law.

Any member of the police may enter all public establishments, not under license, where there is reason to suspect that intoxicating liquors are kept for sale, and seize all intoxicating liquors which he may find therein.

Any member of the revenue police, wearing the uniform, may enter at all times the establishment of any person having a license.

The fines collected in the case of suits are generally divided in the following manner:—Quarter to the municipality, quarter to the collector, quarter to the informer, and the balance to the provincial treasurer.

### HABITUAL DRUNKARDS.

Habitual drunkards who run through their property or manage same badly, or cause trouble or hardship to their families, by conducting their business in a manner prejudicial to their family, their relatives, or creditors, or use intoxicating liquors in such quantities that they are in danger of ruining their health and shortening their life, may be interdicted.

The petition for interdiction is presented to one of the judges of the superior court.

The judgment pronouncing the interdiction may also order, if a request has been made to that effect, the committal of the interdict, for such period as may be deemed necessary, to an establishment intended for the reception of habitual drunkards. This order, if not obtained at the time of the judgment, may be asked for and obtained at any subsequent time, on giving satisfactory proof.

The wife and the son (who is of age) of a person so interdicted may be appointed his curator.

### ASYLUMS FOR DRUNKARDS.

Any person wishing to maintain a private asylum (retreat) intended for the treatment of habitual drunkards must forward an application to the Lieutenant-Governor in Council. This asylum is subject at all times to the control of the government and subject to the visits and orders (ordonnances) of the inspectors of prisons and asylums approved by the Lieutenant-Governor in Council.

No person can be kept or retained against his will by the director of one of these asylums, unless he is authorized thereto by order of one of the judges of the superior court.

Any person, on his own personal application to a judge of the superior court, may be admitted to a retreat for the period of time which a judge may determine.

In the event of an inmate escaping from one of those asylums, it is the duty of the director or of the visiting physician to arrest or order the arrest of such inmate, without a warrant, within 48 hours of his escape and of returning him to the asylum.

# APPENDIX No. 68.

LIST OF STATUTES ON THE SUBJECT OF INTOXICANTS, LICENSES, ETC.

MEMO.—Province of Quebec divided into Upper and Lower Canada by 31 George III, cap. 31 (1791).

*Upper Canada Statutes, 1791 to 1841.*

## 32 George III., cap. 8 (1792), sec. 15.

No license to be granted to retail spirituous liquors within any gaol or prison under penalty of £20 for each offence. (Sec. 3 Vict., cap. 14.)

## 33 George III., cap. 13 (1793).

Chief provisions of this Act were:

A duty of 20 shillings currency to be levied on all licenses for sale of wines or spirituous liquors after 5th April, 1794, in addition to duty of £1 16s. sterling, imposed by 14 George III, cap. 87, sec. 5, but retailers not keeping a house of entertainment exempted from additional duty after expiration of two years; persons licensed to enter into bonds to keep a decent and orderly house, and the words "licensed to sell wines and other spirituous liquors," were to be painted over the door of the house of entertainment; also fees of 2s. 6d. for issuing the license, and 2s. 6d. for drawing the bond.

## 34 George III., cap. 11 (1794).

"An Act to levy and collect a duty upon stills."

The chief provisions of this Act were:—

Duty not to exceed 1s. 3d. for every gallon which the body of the still should be capable of containing; licenses not to be issued for the working of a still unless the body thereof should be capable of containing not less than ten gallons, wine measure; person working a licensed still not to sell or barter any quantity of distilled liquor less than three gallons; no license to be granted to a person licensed at same time to retail spirituous liquors, and no license for retailing spirituous liquors to be granted to a person licensed at same time to distil spirituous liquors.

## 34 George III., cap. 12 (1794).

"An Act for regulating the manner of licensing public houses and for the more easy convicting of persons selling spirituous liquors without license."

Before license granted to keep an inn or public house for purpose of selling spirituous liquors, a certificate had to be obtained from the magistrates of the division, and no certificate was to be granted to a person not licensed the year preceding, unless he produced a testimonial under the hand of the parson and church or town wardens, or of four respectable and substantial householders and inhabitants of the division wherein the inn or public house was intended to be kept, setting forth that he was of good name, sober life and conversation, and that he had taken the oath of allegiance. He was also required to enter into a bond with sufficient sureties to keep an orderly and decent house, and in case of breach thereof, the cognizance was to be estreated, and the offender debarred from selling liquors for three years.

Provision was also made whereby the number of inns might be limited by the magistrates; for an annual meeting in March to determine on application for licenses, &c., but these were repealed by 59 George III, cap. 2 (1818). Provision was also made for advertising names of licensed persons, and of those under recognizance.

### 36 George III., cap. 3 (1796).

Provided for a penalty of £20 on any person keeping an inn or public house and selling liquor without being licensed as provided by the Act last above quoted. (See 6 Wm. IV., c. 4.)

### 37 George III., cap. 2 (1797.)

Provided that no person whether keeping a house of public entertainment or not was to sell liquors in quantities of less than three gallons without license, under penalty of £20.

### 40 George III., cap. 4 (1800).

"An Act for the summary conviction of persons selling spirituous liquors by retail without license."

In this Act it was provided among other things that no shop keeper was to sell a less quantity of liquor than one quart under £20 penalty, but information must be laid within six calendar months from time of committing of offence. It also provided for the manner of conviction.

### 41 George III., cap. 8 (1801).

No person to sell or barter rum, &c., within the tract occupied by the Moravian Indians. This Act was superseded by Act 5 William IV., cap. 9, which was amended and made permanent by Act 3 Vic., cap. 13, which see.

### 43 George III., cap. 9 (1803).

By this Act inspectors were to be appointed in the several districts of the province to collect revenues, proceed against offenders, &c., &c., &c. This Act was in force for two years and was continued by 46 George III., cap. 6, and made perpetual by 48 George III., cap. 8. It was also explained and amended by 44 George III., cap. 7.

### 45 George III., cap. 1 (1805).

By this Act the date of issuing licenses was changed from the 5th April to 5th January.

### 54 George III., cap. 10 (1814).

"An Act to grant to His Majesty an additional duty on shop and tavern licenses."

This Act was continued by 56 George III., cap. 10, which was repealed by 59 George III., cap. 2, sec. 1.

### 58 George III., cap. 1 (1818).

"An Act to impose a duty upon persons selling wine, brandy and other spirituous liquors, by wholesale."

The chief provisions of this Act were:—

Five pounds for each yearly license to sell liquors by wholesale, that is, three gallons and upwards, besides 2s. 6d. fee to inspector for issuing licenses; £15 penalty for selling liquors by wholesale without license; complaint to be made within six months from time of committing of offence. This Act remained in force for two years. Expired with 59 George III., cap. 17. (*see* 4 George IV., cap. 19, (sess. 2.))

## 59 George III., cap. 2 (1818).

This Act regulated at what time and in what manner tavern licenses were to be applied for; the character of the applicant was to be enquired into, and the justices of the peace in general quarter sessions assembled were to grant certificates on which the inspector on payment of duties, &c., was to grant license. The justices were also empowered when granting certificates, to apportion the duties to be paid for licenses according to situation of the inn, being not more than £12 10s. nor less than £4 currency.

The magistrates were also to frame rules and regulations for the conduct of tavern-keepers.

This Act continued in force for two years. It was continued by 2 George IV, cap. 18; amended and continued by 4 George IV., cap. 18; and expired in 1829. It was revived in part and continued by 2 George IV., cap. 9, (1830), the amount to be paid for licenses being fixed at not more than £10 nor less than £1 16s sterling, and the additional sum of 20 shillings curreney. It was further continued by 2 Victoria, cap. 25, and made perpetual by 3 Victoria, cap. 21.

## 59 George III., cap. 6 (1819).

"An Act to continue the laws now in force for granting an additional duty on shop licenses."

This Act directed that in addition to £1 16s. sterling an additional 20 shillings currency required to be paid before the passing of 54 George III., cap. 10, upon every license to shop-keepers for retailing liquors which were to be continued, there should be paid the further sum of £5 currency. This Act was to remain in force for five years and was continued by 4 George IV., cap. 19 (Session 2) which see.

## 59 George III., cap. 6 (1819).

An additional duty of 1s. 3d. was granted on stills. This Act apparently remained in force two years.

## 59 George III., cap. 17 (1819).

Provided that nothing in 58 George III., cap. 1, should prevent persons from selling liquors distilled from grains raised on their own farms, or persons who had taken out licenses to distil from selling the liquors they might distil, without a license under the Act. Expired with 58 George III., cap. 1. (See 4 George IV., cap. 19, Session 2.)

## 2 George IV., cap. 8 (1821).

"An Act to explain doubts which have arisen respecting the right of persons holding a license to keep a house of public entertainment to retail spirituous liquors to be consumed out of their houses, without any additional license."

Provided that any person licensed to keep a house of public entertainment for retailing spirituous liquors might sell by retail, liquors to be consumed out of his house without additional license.

## 4 George IV., cap. 13 (1823).

An Act prescribing the mode of measuring the contents of wooden stills; also fixing the rate of duty on all stills used for distillation of spirituous liquors. This Act was to remain in force until the end of the session of 1827. It was continued by 9 George IV. cap. 9 (1828), and was revived and continued by 4 William IV., cap. 49, and was evidently intended to be made permanent by 2 Victoria, cap. 24 (See 3 Victoria, cap. 19.)

## 4 George IV., cap. 15 (1823).

An Act to restrain the selling of beer, ale, cider and other liquors, not spirituous, in towns and villages, and to regulate the manner of licensing ale houses within the same. This Act to remain in force two years and was continued by 7 George IV., cap. 11 and 2 William IV., cap. 21. It was amended by 8 George IV., cap. 11. The Act 2 William IV., cap. 21 was further continued for four years by 7 William IV., cap. 28 (1837). It was partly repealed by 3 Victoria, cap. 20.

## 4 George IV., cap. 19. (sess. 2) (1824).

This Act continued for four years 59 George III., cap. 6, and it further provided that after 1st June, 1824, and 5th January in every ensuing year, every shop-keeper, &c., selling spirituous liquors by wholesale, and not having taken out a license to retail, should take out a license and pay £5 therefor. It also provided that shop licenses should not authorize the person taking out the same to retail in more than one shop, the shop being described in the license. The Act was not to prohibit persons selling by wholesale liquor distilled from grain raised on their own farms, or to prohibit a person who was licensed to distil liquors from selling such liquors by wholesale in his distillery only.

## 2 William IV., cap. 20 (1832).

"An Act to impose an additional duty on licenses to vend wines, brandy and spirituous liquors."

In addition to additional duty this Act provided for the taking out of licenses by persons selling spirituous liquors on board steamboats or other vessels. It was made permanent by 4 William IV., cap. 50, but was superseded by 3 Victoria cap. 20, though not expressly repealed.

## 4 William IV., cap. 18 (1834).

"An Act to prevent the consumption of spirituous liquors in shops."

No licensed shop-keeper to allow liquors to be consumed within his shop or building under penalty, the purchaser being liable to same penalty, but prosecution must be within six months. Act to continue in force for 4 years; made perpetual by 2 Victoria, cap. 26.

## 6 William IV, cap. 4 (1836).

Repealed 36 George III. cap. 3, so far as related to penalties for selling without license, and substituted penalties not to exceed £20 nor less than £5 in the discretion of the magistrates. No part to be paid to the informer, and the proceeds of the fines to be expended on highways. It also made provisions with regard to the licensing of inns in Toronto, etc. It also provided that brewers were not to sell less than three gallons without a license, and for the furnishing of lists of licenses annually. It was to remain in force for four years, and was made perpetual by 3 Victoria, cap. 21 and 22.

## 3 Victoria, cap. 13 (1840).

Forbade selling liquor to an Indian, under penalty not to exceed £20 for each offence.

## 3 Victoria, cap. 14 (1840).

Provided for fine of £5 upon any person supplying spirits to a prisoner in jail; one month's imprisonment in case of non-payment of fine.

### 3 Victoria, cap. 19 (1840).

"An Act to authorize certain duties to be imposed and collected on wooden stills within this province, and for other purposes therein mentioned."

Authorized duty of 1s. 6d. a gallon on stills; directed how licenses were to be obtained, and duties calculated; and provided for inspection of distilleries and penalties for distilling without license, etc. It also subjected each distillery to an annual district rate, or assessment, of 5s.

### 3 Victoria, cap. 20 (1840).

"An Act for further regulating the manner of granting licenses to innkeepers and to the keepers of ale and beer houses within this province."

This Act made further provisions for granting of licenses to innkeepers, licenses to sell liquors on board of steamboats; and license for selling beer, etc.; it repealed that portion of 6 William IV. cap. 4, which directed that no portion of the fines should be given to the informers, and directed one-half to be so given; and it provided that no justice of the peace concerned in any way in brewing, distilling or retailing liquors should act in granting certificates for licenses; and that no justice should act in the case of the license of a house whereof he was the owner.

### 3 Victoria, cap. 21 (1840).

Made perpetual 59 George III. cap. 2, and 6 William IV., cap. 4. It appropriated for general use of province and support of civil government thereof, all moneys arising from granting of licenses to innkeepers and all fines and penalties. (These had been applied for improvement of highways under several Acts.)

### 3 Victoria, cap. 22 (1840).

6 William IV, cap. 4, made perpetual, and duty of £7 10s. imposed on licenses to sell liquor by retail in shops.

### *Lower Canada Statutes* (1791 *to* 1841).

(The references are to the Revised Statutes of Lower Canada issued in 1845.)

### Class C. 10 (45 George III., cap. 10).

Sale of wine, spirits or strong liquors prohibited on Sunday, under penalty (one-half to informers), except for the use of sick persons or to travellers at their meals.

### Class F. 3, (35 George III., cap. 8.)

Licenses for taverns, etc.

Licenses to be taken out and renewed annually for keeping a house of public entertainment, or for retailing liquors in less quantity of three gallons at a time; duty of £2 currency, in addition to fees for licenses and on bonds; persons keeping houses of public entertainment to be approved by two justices of the peace and to give bonds to keep an orderly house; penalties imposed for trading without license, refusing to produce it, etc.

### Class G. (39 George III., cap. 5).

Keepers of public house within cities and parishes of Quebec and Montreal were required to pay to road treasurers for keeping in repair the streets, etc., within those cities the sum of £2 currency over and above all duties they were bound to pay.

### Class K. 19 (17 George III., cap. 7.)

No strong liquors to be sold or distributed to Indians, under penalty of fine and imprisonment, besides forfeiture of license, if a publican.

### Class K. 39 (2-3 Vict., cap. 14.)

Amended 35 George III, cap. 8, as to the persons obtaining licenses and the mode of obtaining such licenses. Among other provisions it required a notice to be conspicuously placed on the house of every licensed tavern-keeper, and it also provided that on conviction of keeping a disorderly house the license should be forfeited and the offender rendered incapable of again holding a license. Persons selling malt liquors, cider, spruce and ginger beer, or other fermented liquors, without license, were subject to penalty.

### Class K. 39, 3-4 Vict., cap. 42.

Grocers not to retail spirituous liquors in less quantities than three half-pints under penalty.

### Class K. 39 (3-4 Vict., cap. 28.)

Gave governor of province power to grant tavern licenses to persons who had failed to obtain certificates required, if it should appear to his satisfaction that such licenses ought to be granted.

## *Province of Canada* (1841 *to* 1867).

Provinces of Upper and Lower Canada reunited under name of province of Canada by Imperial Act 3-4 Vict., cap. 35.

### 4-5 Vict., cap. 14 (1841.)

Customs duties on spirits.

### 4-5 Vict., cap. 31 (1842.)

"An Act to impose a duty upon distilleries in that part of the province hitherto called Lower Canada."

(Duty 1s. 6d. currency per gallon still is capable of containing.) Repealed by 9 Vict., cap. 2.

### 8 Vict., cap. 2 (1845).

Licenses for stills to be issued for three months instead of a year, and to be renewed quarterly, one-half duties then imposed for a year to be paid for quarterly licenses. This Act was repealed by cap. 29, passed in the same session, which revived the old law as to duties and licenses.

Cap. 29 also provided for a duty of £40 currency on any still constructed on the plan or principle of those known as "Riley's Patent," and it also provided that if the duty for a license amounted to or exceeded £100, it might be paid in quarterly instalments. Repealed by 9 Vict. cap. 2.

### 8 Vict., cap. 3 (1845).

Customs duties on liquor changed.

9 Vict., cap. 2 (1846).

By this Act the following Acts were repealed:—Canada—4-5 Vict., cap. 31; 8 Vict., cap. 29. Upper Canada—34 George III., cap. 11; 43 George III., cap. 9; 44 George III., cap. 7; 4 George IV., cap. 13; 3 Vict., cap. 19.

It then made provisions for the issue of licenses to persons to act as distillers, inspection of their premises, etc., etc. The Act to remain in force until the end of the next session after 1st January, 1848.

10 and 11 Vict., cap. 31 (1847).

Customs tariff.

11 Vict, cap. 3 (1848).

Continued 9 Vict., cap. 2, till end of session after 1st July, 1848.

12 Vict., cap. 1 (1849).

Customs duties.

12 Vict., cap. 14 (1849).

9 Vict., cap. 2, amended and continued.

13 and 14 Vict., cap. 17 (1850).

"An act for the more effectual suppression of intemperance."

By this act Lower Canada statutes, 35 George III., cap. 8; 2-3 Vict., cap. 14; 3-4 Vict., cap. 42; 4 Vict., cap. 28, and part of Upper Canada, 59 George III., cap. 2 repealed, and other provisions made.

Among the provisions of this Act, tavern-keepers in Lower or Upper Canada were subject to imprisonment and fine for accidents to intoxicated persons, fine to be paid to heirs, legal representatives or surviving relations of deceased; licenses to keep temperance hotels; accommodation to be given by taverns or temperance hotels in Lower Canada,—no persons not licensed as apothecaries or temperance hotel-keepers to sell temperance drinks; fine for drunkenness; merchants not to sell intoxicating liquors in less quantity than one gallon, or in case of wine of a bottle, to be taken from premises; vendors of fruit in Lower Canada not to sell liquors or temperance drinks; inspectors of revenue to visit breweries, etc.

13-14 Vict., cap. 65 (1850).

An Act to amend the laws relative to tavern licenses in Upper Canada.

Certain parts of Upper Canada, 59 George III, cap. 2; 6 William IV, cap. 4; 3 Vict., cap. 20; 3 Vict., cap. 21, repealed on passing of Act and remainder from 1st March, 1851, shop licenses not to be affected. Municipal corporations to make by-laws for certain purposes relative to taverns, beer-houses, etc. Inspectors of houses of public entertainment to be elected, and to be subject to by-laws as other municipal officers, and duties, etc., defined.

13-14 Vict., cap. 74 (1850).

No spirituous liquors to be furnished to Indians, and pawns not to be taken for liquor.

14-15 Vict., cap. 63 (1851).

Duties for tavern licenses in the counties of Kamouraska and Rimouski appropriated towards cost of court-house and jail at Kamouraska, and from tavern licenses in Ottawa county towards cost of court-house and jail at Aylmer.

14-15 Vict., cap. 100 (1851).

Recited that 13-14 Vict., cap. 27, had been found defective, and that it was accordingly repealed, and new provisions were made as to the issue of licenses, accommodation at inns, retailing of liquors in shops, keeping of temperance hotels, selling liquors in steamboats, etc., etc. This Act applied to Lower Canada only.

14-15 Vict., cap. 120 (1851).

Explained 13-14 Vict., cap. 65.

16 Vict., cap. 85 (1853).

Customs duties on wine.

16 Vict., cap. 164 (1853).

"An Act to prohibit the sale of intoxicating liquors on or near the line of public works in this province."

16 Vict., cap. 184 (1853).

Repealed all Acts or parts of Acts in force imposing any duty in Upper Canada on persons selling wine, brandy, or spirituous liquors, ale or beer, by retail in any place, or on keepers of houses of public entertainment, or requiring that any person should take out a license to sell spirituous liquors, ale or beer by retail, and in lieu thereof it enacted that the municipal councils might make by-laws with reference to selling spirituous liquors, etc., by retail, all sums for licenses under these by-laws or for keeping houses of public entertainment to go to the municipalities. By-laws made under 13-14 Vict., cap. 65, were not affected.

16 Vict., cap. 214 (1853).

14-15 Vict., cap. 100, amended so as to provide that a license was not to be granted in Quebec or Montreal except on certificate signed by 50 municipal electors of the ward.

18 Vict., cap. 5 (1854).

Changes in customs tariff.

18 Vict., cap. 81 (1855).

Duty on overproof of spirits.

19 Vict., cap. 10 (1856).

Changes in customs tariff.

19 Vict., cap. 42 (1856).

Additional excise duty on spirits.

20 Vict., cap. 46 (1857).

14-15 Vict., cap. 100, amended as to prosecutions.

22 Vict., cap. 76 (1858).

Changes in customs tariff; increase in excise duty on spirits; and imposed duty on brewers and on beer and other malt liquors; and duty on licenses for taverns, etc.

22 Vict., cap. 2 (1859).

Customs duties changed.

22 Vict., cap. 6 (1859).

No liquors to be sold from 7 p.m. Saturday to 8 a.m. Monday. Applied to Upper Canada only.

The foregoing statutes were consolidated in 1859, as follows:—

*Consolidated Statutes of Canada.*

Chapter 9, sec. 3.—Sale of liquors to Indians.
Chapter 17.—Customs duties.
Chapter 19.—Duties of excise on distillers and brewers, and spirits and beer made by them.
Chapter 20.—Duty on tavern keepers.
Chapter 30.—Sale of liquors near public works.

*Consolidated Statutes of Upper Canada.*

Chapter 54, secs. 246 to 264 and sec. 282.—Powers of municipal councils.
Chap. 127, sec. 6.—Liquors not to be supplied to persons in jails.

*Consolidated Statutes of Lower Canada.*

Chapter 6.—Respecting tavern keepers and sale of intoxicating liquors.
Chapter 14, sec. 1—Sale to Indians.
Chapter 23.—Sale on Sundays.
Chapter 24, sec. 26.—County council to make by-laws regulating sale of liquors.
Sec. 27—Local councils may make by-laws in certain cases.
Chapter 109, sec. 9.—No liquors to be sold in jails.

22 Vict., cap. 6 (1860).

"An Act to prevent the unlicensed sale of intoxicating liquors in the unorganized tracts in this province."

23 Vict., cap. 38 (1860).

Repealed sec. 3 of chapter 9 of Consolidated Statutes of Canada and substituted new section—forbidding selling, etc., of spirituous liquors to Indians in any part of Canada under penalty.

23 Vict., cap. 53 (1860).

"An Act to diminish the number of licenses issued for the sale of intoxicating liquors by retail."

This Act provided that no tavern license be issued unless upon petition therefor signed by at least 30 resident municipal electors; no licenses were to be granted in a proportion greater than one for every 250 residents; each tavern must have certain accommodation for travellers and a certain amount of stabling. This Act applied only to Upper Canada.

25 Vict., cap. 5 (1862).

"An Act to amend the Act respecting duties of excise on distillers and brewers, and spirits and beer made by them, and to increase the said duties."

25 Vict., cap. 6 (1862).

"An Act to amend the Act respecting provincial duty on tavern license." (Chap. 20, C. S. C.)

25 Vict., cap. 23 (1862).

"An Act to amend the Act respecting the municipal institutions of Upper Canada as to the issue of shop and tavern licenses in cities."

This Act repealed the five subsections of section 246 of chapter 54 of the Consolidated Statutes, Upper Canada, and the whole of Act 23 Vict., cap. 53, and made other provisions. It applied to Upper Canada only.

27-28 Vict., cap. 2 (1864).

Additional duties on spirits.

27-28 Vict., cap. 3 (1864).

Excise Acts consolidated and certain new duties imposed. (Chap. 19 of Consolidated Statutes, Canada, and cap. 5, of 25 Vict., repealed.)

27-28 Vict., cap. 18 (1864).

"An Act to amend the laws in force respecting the sale of intoxicating liquors, and the issue of licenses therefor, and otherwise for repression of abuses resulting from such sale."

(Temperance Act of 1864.) This Act made provisions as to local prohibition. (Dunkin Act.)

27-28 Vict., cap. 48 (1864).

Amended chapter 6 of Consolidated Statutes of Canada, and applied only to Lower Canada. The amendment was that local municipal councils might impose on certificate for license a tax not exceeding $8.

28 Vict., cap. 22 (1865).

Imposed penalty of not less than $10 nor more than $50, or in default of payment imprisonment in jail for not less than 10 nor more than 30 days, for selling liquor, beer, etc., without license. Applied to Upper Canada only.

29 Vict., cap. 3 (1865).

"An Act to amend the Act respecting duties of excise." (27–28 Vict., cap. 3).

29 Vict., cap. 54 (1865).

"An Act to facilitate prosecutions under the Act respecting tavern-keepers and "the sale of intoxicating liquors."

29–30 Vict., cap. 6 (1866)

New customs tariff.

29–30 Vict., cap. 7 (1866).

Excise Acts amended.

29-30 Vict., cap. 32 (1866).

Amendment of municipal Act of Lower Canada.

Local council may pass by-laws prohibiting sale of spirituous liquors; also relating to license and sale of liquors.

29-30 Vic., cap. 35 (1866).

Amended sec. 9 of chapter 6, Statutes of Lower Canada.

29-30 Vict., cap. 51 (1866).

Consolidation and amendment of laws relating to the municipal institutions in upper Canada, the sections referring to liquor licenses, etc., were 249 to 267 (inclusive).

*Dominion of Canada* (1867 *to* 1891).

British North America Act, sec. 92, subsection 9, "shop, saloon, tavern, auc-"tioneer and other licenses, in order to the raising of a revenue for provincial, local "or municipal purposes," placed among classes of subjects to be dealt with exclusively by provincial legislatures.

31 Vict., cap. 7 (1867).

New customs duties.

31 Vict., cap. 8 (1867).

Inland Revenue Act (repealed Canada 27–28 Vict., cap. 3; 29 Vict., cap. 3; 29–30 Vict., cap. 7; Nova Scotia revised statutes, cap. 9; 30 Vict., cap. 14; New Brunswick, 23 Vict., cap. 20).

31 Vict., cap. 42 (1868).

Section 12.—Penalty for giving or selling liquor to Indians.
Section 13.—No pawn to be taken of any Indian for any spirituous liquors.

31 Vict., cap. 44 (1868).

Customs duties changed.

31 Vict., cap. 50 (1868).

Excise duties on spirits increased.

32-33 Vict., cap. 6., sec. 3 (1869.)

Penalty on persons selling liquor to Indians (to be read with 31 Vict., cap. 42).

32-33 Vict., cap. 24, sec. 11 to 16 (1869).

Sale of liquors near public-works prohibited.

33 Vict., cap. 9 (1870).

Customs and Inland Revenue duties altered.

34 Vict., cap. 15 (1871).

Excise duties may be reduced in Manitoba for three years, but duties on liquors may with consent of legislature of Manitoba be increased by Governor in Council to rates not exceeding those levied in rest of Dominion.

36 Vict., cap. 39 (1873).

Customs duties on spirits in Manitoba to be the same as in other provinces. Importation of spirits into North-west Territories prohibited.

37 Vict., cap. 6 (1874).

Customs and excise duties charged.

37 Vict., cap. 7 (1874).

Subsection 2 of section 1 of 36 Vict., cap. 39, repealed, and new provisions made prohibiting importation or making of intoxicating liquors into or in North-west Territories. At expiration of licenses then issued, license to manufacture spirits to be issued only at Victoria and New Westminster in British Columbia, and Fort Garry, Winnipeg, Manitoba, and such other places as may from time to time be named by the Governor in Council.

37 Vict., cap. 8 (1874).

Imposed license duties on compounders of spirits.

37 Vict., cap. 21 (1874).

31 Vict., cap 42, sec. 12, and 32-33 Vict., cap. 6, sec. 3, repealed, and new provisions made to prevent the supplying of intoxicating liquors to Indians.

38 Vict., cap. 49 (1875).

Consolidation of laws respecting North-west Territories. Section 74,—Prohibibition of intoxicants.

39 Vict., cap. 18 (1876).

Consolidation of laws respecting Indians. Section 27—No intoxicant to be permitted at council of Indians; sections 79 to 85—prohibition of intoxicants.

39 Vict., cap. 22, (1876).

Section 2 of of 37 Vict., cap. 7, and section 74 of 38 Vict., cap. 49, amended.

40 Vict., cap. 11 (1877).

Changes in excise and customs duties.

40 Vict., cap. 12 (1877).

Amendment of Inland Revenue Act.—31 Vict., cap. 8.

41 Vict., cap. 9 (1878).

Customs duties on malt repealed—malt to be immediately bonded and under excise regulations, and if not bonded to be forfeited.

41 Vict., cap. 16 (1878).

Canada Temperance Act, 1878 (Scott Act).

42 Vict., cap. 15 (1879).

Duties of customs and excise altered (N. P. tariff).

42 Vict., cap. 50 (1879).

To explain certain provisions in "Canada Temperance Act, 1878," and to make certain amendments thereto so far as Act relates to Manitoba.

43 Vict., cap. 18 (1880).

Customs duties on "champagnes and sparkling wines"—words added. Duty on malt changed.

43 Vict., cap. 19 (1880).

Consolidation and amendment of Inland Revenue Acts.

43 Vict., cap. 25 (1880).

Consolidation and amendment of North-west Territories Act. Section 90—prohibition of intoxicants.

43 Vict., cap. 28 (1880).

Amendment and consolidation of Indian Acts. Sections 38, 79, 90 to 94 *re* intoxicants.

44 Vict., cap. 10 (1881).

Customs duties—words added under heading "Spirits and strong waters."

45 Vict., cap. 6 (1882).

Changes in customs duties.

45 Vict., cap. 8 (1882).

Amendment of Inland Revenue Act, 1880.

46 Vict., cap. 15 (1883).

Consolidation and amendment of Inland Revenue Acts.

46 Vict., cap. 30 (1883).

Liquor License Act (McCarthy Act).

47 Vict., cap. 27 (1884).

Section 13.—Punishment on persons supplying intoxicants to Indians; or found drunk or gambling in Indian houses.

47 Vict., cap. 31 (1884).

An Act to amend "The Canada Temperance Act, 1878."

47 Vict., cap. 32 (1884).

An Act to amend "The Liquor License Act, 1883."

48-49 Vict., cap. 61 (1885).

Customs and excise duties altered.

48–49 Vict., cap. 62 (1885),

Amendment of Consolidated Inland Revenue Acts (1883).

48–49 Vict., cap. 74 (1885).

An Act respecting "The Liquor License Act, 1883."

49 Vict., cap. 37 (1886).

Customs duties altered.

49 Vict., cap. 39 (1886).

Inland Revenue Act further amended.

*Revised Statutes of Canada*, 1886.

(Consolidation of foregoing Acts.)

Chapter 49, section 83.—Taverns to be closed and no liquors to be sold on election days (37 Vict., cap. 9, sec. 91).

Chapter 33.—Duties of Customs.

Chapter 34.—Inland Revenue Act.

Chapter 43.—Indian Act.

Chapter 50.—North-west Territories.

Chapter 53.—Keewatin Act. The provisions of this Act with regard to intoxicants are similar to those contained in sections 92, 94, 95 (as it then stood), 97, 98, 99 and 100 of the North-west Territories Act.

Chapter 106.—Canada Temperance Act.

Chapter 151.—Peace near public works, sec. 13 to 19, sale of liquors prohibited.

MEMO.—The Liquor License Act, 1883 (46 Vict., cap. 30), is not included in the Revised Statutes of Canada, the Judicial Committee of the Privy Council having decided that the Act was *ultra vires* the Parliament of Canada. Section 124 of "The Canada, Temperance Act, 1878" (41 Vic. cap. 16), which provided for the application of the penalty in Ontario, and the formation of a fund to enforce the Act, and which repealed section 34 of 27-28 Vict., cap. 16, was not consolidated in chapter 106 of the Revised Statutes, as it was doubtful whether it was within the legislative powers of the Parliament of Canada.

*Acts passed since the Revised Statutes.*

50–51 Vict., cap. 33 (1881).

An Act to amend "The Indian Act."

50–51 Vict., cap. 46 (1887).

Penalties etc., for conveying or attempting to convey liquor on board Her Majesty's ships without previous consent of the officer in command.

51 Vict., cap. 16 (1888).

Inland Revenue Act amended.

51 Vict., cap. 19 (1888).

North-west Territories Act amended.

51 Vict., cap. 22 (1888).

Indian Act amended,

51 Vict., cap. 34 and 35 (1888).

"Canada Temperance Act" amended.

52 Vict., cap. 15 (1889).

Inland Revenue Act amended.

53 Vict., cap. 20 (1890).

Customs duties altered.

53 Vict., cap. 27 (1890).

"Canada Temperance Act" further amended.

54–55 Vict., cap. 22 (1891).

Section 16 substitutes new section for section 95 of the North-west Territories Act. The new section is marked in one of copies of N. W. T. Act sent herewith.

54–55 Vict., cap. 45 (1891).

Customs duties altered.

54¼55 Vict., cap. 46 (1891).

Inland Revenue Act further amended.

# APPENDIX No. 70.

NUMBER of Prisoners per 1,000 of the population, yearly remaining in common jails, at the end of each of the undermentioned years.

| Year. | Ontario. | | Quebec. | | New Brunswick. | | Nova Scotia. | | Prince Edward Island. | | Manitoba. | | North-west Territories. | | British Columbia. | | State of Maine. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | No. in jail. | Ratio per 1,000 of population. | No. in jail. | Ratio per 1,000 of population. | No. in jail. | Ratio per 1,000 of population. | No. in jail. | Ratio per 1,000 of population. | No. in jail. | Ratio per 1,000 of population. | No. in jail. | Ratio per 1,000 of population. | No. in jail. | Ratio per 1,000 of population. | No. in jail. | Ratio per 1,000 of population. | No. in jail. | Ratio per 1,000 of population. |
| 1880 | 901 | 0·47 | ..... | ..... | 64 | 0·20 | 9 | 0·02 | 32 | 0·30 | 14 | 0·25 | ..... | ..... | 59 | 1·23 | 215 | 0·33 |
| 1881 | 770 | 0·40 | ..... | ..... | 73 | 0·23 | 76 | 0·17 | 27 | 0·25 | 12 | 0·19 | ..... | ..... | 65 | 1·31 | 250 | 0·38 |
| 1882 | 844 | 0·43 | ..... | ..... | 61 | 0·19 | 56 | 0·12 | 24 | 0·22 | 35 | 0·50 | ..... | ..... | 104 | 1·96 | 272 | 0·41 |
| 1883 | 796 | 0·40 | 505 | 0·36 | 64 | 0·20 | 44 | 0·09 | 19 | 0·17 | 30 | 0·38 | 8 | 0·12 | 113 | 1·99 | 310 | 0·47 |
| 1884 | 952 | 0·48 | 564 | 0·40 | 38 | 0·12 | 70 | 0·15 | 14 | 0·13 | 42 | 0·48 | 9 | 0·12 | 113 | 1·85 | 308 | 0·47 |
| 1885 | 983 | 0·49 | 493 | 0·35 | 59 | 0·18 | 71 | 0·16 | 24 | 0·22 | 31 | 0·32 | 13 | 0·17 | 172 | 2·64 | 373 | 0·56 |
| 1886 | 853 | 0·42 | 428 | 0·30 | 54 | 0·17 | 69 | 0·15 | 29 | 0·27 | 41 | 0·38 | 7 | 0·08 | 118 | 1·69 | 381 | 0·57 |
| 1887 | 971 | 0·48 | 557 | 0·39 | 40 | 0·12 | 89 | 0·19 | 30 | 0·27 | 19 | 0·16 | 13 | 0·15 | 158 | 2·11 | 348 | 0·52 |
| 1888 | 1,076 | 0·52 | 541 | 0·37 | 58 | 0·18 | 76 | 0·17 | 23 | 0·21 | 30 | 0·24 | 22 | 0·25 | 109 | 1·36 | 306 | 0·46 |
| 1889 | 1,027 | 0·49 | 572 | 0·39 | 59 | 0·18 | 83 | 0·18 | 30 | 0·27 | 30 | 0·22 | 30 | 0·33 | 74 | 0·85 | 445 | 0·67 |
| 1891 | 979 | 0·47 | 503 | 0·34 | 70 | 0·21 | 76 | 0·17 | 30 | 0·27 | 25 | 0·17 | 43 | 0·45 | 110 | 1·20 | 386 | 0·58 |
| 1892 | 895 | 0·42 | 567 | 0·38 | 64 | 0·19 | 89 | 0·19 | 24 | 0·22 | 35 | 0·23 | 47 | 0·47 | 138 | 1·40 | 378 | 0·57 |
| 1893 | 810 | 0·38 | 451 | 0·30 | 72 | 0·22 | 63 | 0·13 | 24 | 0·22 | 52 | 0·32 | 59 | 0·57 | 144 | 1·37 | 400 | 0·60 |
| 1894 | 814 | 0·37 | 451 | 0·30 | 51 | 0·15 | 67 | 0·14 | 18 | 0·16 | 64 | 0.36 | 80 | 0·74 | 153 | 1·36 | 572 | 0·86 |

# APPENDIX No. 71.

## TEMPERANCE WORK IN QUEBEC.

Very early in the present century something was done to promote temperance. The clergy, both Catholic and Protestant, sought to check and control habits of intemperance. These efforts were not wholly in vain, but the reform made slow progress. The evils resulting from intemperance became so widespread and so marked that it was found necessary to form organizations devoted especially to the promotion of temperance. About 1836 the Montreal Temperance Society was organized. For several years it did a work which was felt in every direction. Under its auspices the publication of the *Temperance Advocate* was begun, which paper, and the *Montreal Witness*,did much in disseminating total abstinence principles. About the same time, 1836, the Quebec Total Abstinence Society was doing much the same work in that city. In 1850 the Order of the Sons of Temperance was introduced, and was from the first an effective organization. The Rechabites, a temperance society, was very active about this time.

During the same period the churches became more interested and active in the work; frequent temperance meeting were held by them, and many persons, old and young, were induced to sign the abstinence pledge. Rev. C. Chiniquy, Roman Catholic priest, was a most earnest and successful advocate of temperance, and his addresses, delivered in every part of the province, led many people to see the danger of intemperance; large numbers signed the pledge presented by him. The effects of his work as a temperance reformer remain to this day.

In the last half century there has been a steady growth of agencies for temperance reform. The church, in every branch of it, has become more pronounced in condemnation of the evils of the drink traffic, and increasingly zealous to minimize these evils. Societies for the promotion of temperance have multiplied. The work of these various agencies has been done with much patience, and with a degree of self-sacrifice which could have been dictated only by a strong desire for the public welfare. It is not possible to tabulate fully the effects of their efforts.

The form of activity employed by churches, societies and individuals have been many, including the rescue of drunkards, efforts to restrict the sale of intoxicants, endeavours to compel the authorities to enforce existing laws, the establishment of cafés for the sale of temperance drinks at moderate prices, the instruction of the young as to the dangers of indulgence in the use of intoxicants, and attempts to create a public opinion favourable to the more stringent restriction of the liquor traffic. The different religious denominations condemn intemperance; some of them declaring in favour of the delegalization of the manufacture, importation and sale of intoxicants, in their pulpits, their Sabbath schools and their publications working to create and strengthen a feeling favourable to such legislation. The Anglican and Roman Catholic bodies have declared in favour of temperance, and in various ways seek to promote it. Roman Catholic priests from time to time preach against the evils of indulgence in strong drink, and hold "missions," by means of which many of their people are induced to abandon drinking habits, some of them for a short time, and some of them for life.

There are total abstinence societies in connection with many Roman Catholic churches in the province. The St. Patrick's, in Montreal, the St. Anne's, and other bearing the names of the churches under whose auspices they are organized, have done and are doing excellent service in the temperance cause.

The Woman's Christian Temperance Union was introduced in 1877, and has a well defined plan of work, embracing several departments of moral reform, by which it seeks not only to reclaim those who have gone astray, but to protect the

young and others from forming drinking habits and falling into the other evil ways which so generally attend upon intemperance.

The Salvation Army is a new and quite powerful agency for the spread of temperance. Wherever established it works definitely and zealously, and with good effect.

The Order of Sons of Temperance, introduced about 50 years ago, has not changed its attitude towards the drink traffic, except to become more pronounced in opposition to it, and is a vigorous promoter of total abstinence and advocates prohibition. The Independent Order of Good Templars, introduced in 1859, is an organization which, in all its activities, aims in co-operation with other societies, to bring about a condition of public feeling which, "will, in the near future, cripple and finally exterminate the liquor traffic."

The Royal Templars of Temperance is one of the most recent large organizations for the promotion of temperance, and the suppression of the liquor traffic. Its growth, since its introduction into the province in 1883, is said to have been quite rapid. It seeks to make itself felt in political action.

The Quebec branch of the Dominion Alliance is a temperance organization which has been in existence since 1878. Its principles and aims are set forth thus:—

1. "That it is neither right nor politic for the state to afford legal protection and sanction to any traffic or system that tends to increase crime, to waste the national resources, to corrupt the social habits and to destroy the health and lives of the people.

2. "That the history and results of all past legislation in regard to the liquor traffic abundantly proved that it is impossible to satisfactorily limit or regulate a system so essentially mischievous in its tendencies.

3. "That, rising above sectarian and party considerations, all good citizens should combine to procure an enactment prohibiting the manufacture and sale of intoxicating beverages, as affording most efficient aid in removing the appalling evil of intemperance."

The alliance employs a secretary, and is at considerable expense yearly, all of which is provided by voluntary contributions. It keeps a careful watch on legislation concerning the liquor traffic, seeks to secure additional restrictions introduced into the license law, to have existing laws properly enforced, and to create and strengthen prohibitory sentiment in the province.

The law and order league of Montreal, the members of which are not necessarily total abstainers, is an active temperance agent. Its chief object is to insist upon and aid in the enforcement of the liquor law. It not only endeavours to compel the licensees to observe the liquor license law, but it seeks, also, to have the number of licensees reduced. The funds for the prosecution of its objects are supplied by voluntary contributions.

The effects of this agitation by the churches and various societies in favour of temperance are manifest in the lessening of drinking throughout the province; the greater restrictions put upon the liquor traffic, and the large number of districts in which the sale of liquors for beverage purposes is prohibited or curtailed.

# APPENDIX No. 72.

## VANCOUVER ISLAND.

### ACTS RELATING TO THE SALE OF INTOXICATING LIQUORS.

1853.—Ordinance of Council dated 27th March 1853, authorising the levying of certains duties on licenses for the sale of spirituous liquors.

1858.—An Act dated 15th November, 1858, to amend the law relating to the licensing of inns, public and beer houses.

An Act, of same date, to amend the laws relating to inns and beer houses.

1859.—An Act dated 18th July,1859 to authorize and regulate the sale of wines, spirits and other liquors.

1861.—An Act dated 18th July, 1861, entitled the "Liquor License Act, 1861," repealed the four Acts above mentioned.

All licenses under this Act to be granted by justices of the peace, licenses to be granted for one year; justices authorised from time to time to grant licenses for a shorter period, but not less than three months, and to persons not before licensed for same year, provided that it appear to the magistrate that it be necessary to the interests of the public. All licenses to terminate on 21st July. A licensee desiring to surrender his license to notify the colonial treasurer before date on which the quarterly payment becomes due.

The holder of a wholesale license entitled to sell wines, spirits, ale, beer, porter, cider or perry, in quantities of not less than two gallons, imperial measure, or twelve reputed quart bottles, or twenty-four reputed pint bottles, at one time.

The holder of a retail license entitled to sell the same description of liquors, but in quantities not to exceed those above mentioned.

### FEES FOR LICENSES.

| | |
|---|---|
| Wholesale | £ 25 stg., per annum |
| Retail | 60 stg., " |
| Retail, for places distant not less than three miles from any town | 12 stg., " |

All fees to be paid in quarterly instalments. Manufacturers of ale, beer, porter cider, or perry, exmpt from provisions of the Act, as regards the sale of their products by wholesale.

Auctioneers precluded from selling the liquors named without prescribed license, unless selling them for a party holding a license.

The selling of liquors without a license, or under cover of a license granted to another person, on conviction, subjects the offender to a fine of not less than £10, and not more than £100, for every offence, with costs.

1866.—An Act dated 8th June, 1866, entitled "The Liquor License Act, 1866."

The Act repealed the section of the Act of 1861 fixing the amount of fee to be paid for a license granted in places three miles distant from any town, and prescribed that the fee for a license granted outside the boundaries of the city of Victoria and towns of Esquimalt or Nanaimo should be sixty ($60) dollars, to be paid in advance in quarterly instalments.

Licenses to sell liquors not to be refused on account of previous occupant of house having failed to pay license fees.

BRITISH COLUMBIA.

## License Act, 1859.

1859.—The proclamation of the governor, dated Victoria, 10th August, 1859, fixed the fees to be paid for selling liquors, as follows:—

By each person vending spirituous liquors, or fermented liquors, by retail, for each house or place in the colony, where such vending is carried on, if in a town, £25 for one year.

In a rural district, not forming part of a town, £10 for one year.

Persons vending by wholesale, and not having a retail license, for each house or place in the colony, £10 for one year.

"An ordinance for the amendment of the License Act, 1859," dated 10th March, 1864.

1864.—Provided that every infraction or evasion of any of the provisions of the Act amended should be punishable, upon conviction in a summary manner, before any magistrate, by any fine not exceeding £50, for every offence, in addition to the amount of license, and in default of payment, by imprisonment for any time not exceeding three months, at the discretion of magistrate.

### *British Columbia and Vancouver Island.*

"An ordinance to assimilate and amend the laws relating to licenses, etc., dated 22nd March, 1867.

1867.—Licenses to be granted on certificate of a justice of the peace, due regard being had to the requ rements and convenience of the public; licensee not to sell in any other premises except those named in the license or certificate, under a penalty not exceeding $200 for every such offence; licenses to terminate on 30th June and 31st December.

License Fees.—Retail for each house or place in the colony, if in a town of not less than fifty (50) inhabitants, $100 for every six (6) months.

Retail in a rural district not forming part of a town, $30 for every six months.

Wholesale—by persons not having a retail license—vending in quantities of not less than two gallons, for each house or place in the colony, $25 for every six months.

# APPENDIX No. 73.

## ABSTRACT OF THE LIQUOR LAW OF THE PROVINCE OF BRITISH COLUMBIA.

Municipalities empowered to pass by-laws relating to saloons, taverns, etc., also to impose fees for retail licenses as follows:—In cities, up to $200 a year, townships to $60, wholesale (2 galls.) to $50. — Municipal Act, 1872, No. 35, municipalities may regulate licenses and impose fees.

License fees allowed to municipalities. Fees on retail license in towns of not less than 50, up to $50, for six months; rural districts, to $10, for six months; wholesale to $10, six months. — Amending Act, 1873, No. 5, license fees charged and allowed to municipalities.

Licenses in towns and rural districts. A petition signed by two thirds of residents (exclusive of Chinese or Indians) of township, village or settlement, required before a retail license can be granted. This does not apply to Victoria or New Westminster, or to existing licenses elsewhere. — Licenses amendment Act, 1874, signatures to petitions.

Applications for retail licenses, in addition to other requirements, to be accompanied by a certificate of two justices of the peace, as to qualifications of applicants. One month's notice required. Licenses apply to premises named only, and terminate half yearly. — Licenses Amendment Act, 1875, applications, certificates and notices.

Special retail licenses allowable, viz.: for fairs for 48 hours, fee $10. Steamboats for six months, $30. Nanaimo is excepted, and above does not apply to municipalities enforcing a special by-law. — Special licenses.

License fees fixed as in 1873. Licensing courts established, to consist of mayor, or warden, police magistrate and justice of the peace, not less than three. Applications for new licenses to be published 14 days in a newspaper, or if none published, by notice in two public places. Application for transfers to be referred to a bench of magistrates with 14 days' notice. Applications for renewals not needed. — Municipal Amendment Act, No. 1, 1876, license fees. License board in organized or municipal territory.

Retailer can recover value of liquor sold in bottle and carried off premises, notwithstanding Act 24 Geo. II., cap. 40. Wholesale or retail dealers convicted of selling or giving to youth under sixteen liable to a fine up to $50, in default up to one month in prison; allowing any youth to remain where liquors are sold, liable to same penalty. A third conviction forfeits license. — Recovering price of liquor, 1877, No. 29. Selling to minors: penalties. Youth's protection Act, No. 30.

In certain districts retailers entitled to renewal every six months from superintendent of police. If superintendent objects to renewal, applicant can appeal to county court judge, who can grant or refuse. Applicants for new licenses or transfers, if refused a certificate from justices of the peace, can appeal to county court judge, who can grant or refuse. Victoria, New Westminster and Nanaimo are excepted. — Liquor Amendment Act, 1878, No. 27, renewals, transfers, appeals, etc. Exceptions.

Private clubs where liquors are sold subject to a fee of $200 per annum. — Municipal Amendment Act, 1880, No. 18, private clubs.

Municipal councils may fix hours of closing of all houses. — Hours of closing.

Municipal Amendment Act, 1881, chap. 16.

Act repeals previous municipal acts.

Licenses and fees.

Municipal councils may pass by-laws regulating shops, saloons and taverns and re-licenses for six months, viz., for retailers in cities, up to $100; retailers in towns, $30; wholesale dealers, up to $25.

Municipal Amendment Act, 1883, No. 21, clubs.

Clubs where liquor is sold to pay $100 every year on 31st December.

Municipal Amendment Act, 1884, No. 21, license fees.

Amends Municipal Act 1881, No. 21. License fees:—Retailers in cities may be charged up to $500, in townships up to $125, all for six months. To take effect after notice.

Innkeepers Act, 1885, No. 14, innkeepers license.

Inn-keepers have not a right to renewal of license; have a lien on baggage, etc., of guests, but not for money loaned or for liquor.

Licenses may be granted where no licensing court exists.

Liquor Amendment Act, No. 18.

Exceptions.

Superintendent provincial police may grant licenses where no licensing court exists, and may require bonds up to $500. Judge of superior or county court may cancel license if near Indian settlement or not required by the public. Vancouver Island is excepted.

Liquor Amendment Act, 1886, No. 12, powers of stipendiary magistrates, objections, etc. Included.

Stipendiary magistrates have similar powers to superintendent of provincial police. Objections to a license to be made by petition, verified by affidavits, and copy to be sent to licensee seven days before the trial. Vancouver Island is included.

Liquor Amendment Act, 1886, No. 15, penalty, extensions.

Penalty for selling in other than licensed places up to $250 each offence. Any extension of or addition to licensed premises to be endorsed by licensing court.

Vancouver City Act, No. 16, Vancouver may pass by-laws *re* licenses, etc.

Vancouver city empowered to pass by-laws to regulate the granting of licenses for the sale of liquors, including the number to be granted, amount of fees, defining conditions and requirements of hotels; also the appointment of inspectors, and preventing the sale or gift of liquor to minors, etc.

Habitual Drunkard's Act, 1887, No. 11, Interdictions of drunkards.

Provides for the interdiction of drunkards incapable of managing their estates, etc., the mode of procedure therefor, etc.

License Act, 1888, chap. 73.

License fees payable in advance.

Penalty.

Licenses to be taken out regularly and payment made in advance; penalty for breach of law up to $250 with fee and costs.

Fees.

Fees: Retailers (over 50 inhabitants), $100 for six months; in rural districts, $30 for six months; wholesale dealers, $100 a year.

Wholesale licenses.

Wholesale licenses (except in municipalities) require to give notice to government agent, and to present certificate of majority of resident voters being householders, within five miles. No license can be issued unless there are twenty resident householders. License to apply to sales of not less than two gallons, to be taken away; penalty $20 to $50.

Government agent may demand bonds up to $500, and may refuse renewal, subject to appeal to county court judge.

Applications for retail licenses require a certificate of character from two justices of the peace, also a petition signed by two-thirds of residents (other than Chinese or Indians), being adults, and of one month's residence. Petition to be presented 15 days before sitting of license court, which is composed of two justices of the peace, and one month's written notice to be sent to two justices of the peace, and posted on the court house—court sits on 15th June and 15th December—of intention to apply.

Applications for retail licenses. Who signed by. Certificate as to character of applicant.

Applicants must have resided in British Columbia twelve months, and license applies only to the premises named. Any one may oppose a license.

Applicants.

Special licenses for booths and steamers may be granted as in Act of 1875. Retail licenses to be controlled by municipal by-laws. Retail licenses also require a petition of two-thirds of residents, being adults, of one month's residence, except in Victoria, New Westminster and Nanaimo.

Special licenses. Retail licenses.

Superintendent of provincial police and stipendiary magistrates given same power *re* retail licenses for one year as in Acts of 1885 and 1886. Such retailers are not entitled as of right to renewal, but should the superintendent or proper officer refuse a renewal, the licensees are entitled to appeal to the county court judge who may order certificate to be granted, or grant the license without certificate. If proved to judge of supreme or county court that license is near Indian settlement, or not required, the judge can cancel license.

Stipendiary magistrates and superintendent of provincial police. No renewal. Appeal. New licenses. Appeal.

Objections to a license verified by affidavit to be presented to court and copy served on licensee before the case is heard.

Objections to be verified.

A retailer convicted of selling or giving liquors to Indians is liable to forfeit his license; if so, he cannot obtain a renewal in British Columbia for two years.

Retailers convicted liable to lose license.

Retailers may sue for and obtain price of liquor sold in bottles and taken off the premises (notwithstanding Act 24 George II., cap. 40).

Liquor in bottles, chap. 76, 1888.

Applies to Victoria, New Westminster and Nanaimo. License fees the same as in chapter 16 of 1881. Restaurants licensed to sell beer with meals: $26 for six months; penalty for breach, up to $250, with fee and costs for each offence. Retail licenses to be granted in open court, said court consisting of the mayor (or reeve), police magistrate and one or two justices of the peace—not less than three in all. Court to sit 15th March, June, September and December; no justice of the peace to sit who is interested in the license. Municipalities have power to pass by-laws relating to saloons and taverns, and in regard to the hours of closing saloons at night and on Sunday.

Municipal Act, 1888, chap. 88, restaurants. License board.

Applications for licenses or transfers to be left with the clerk of the municipal council 14 days before sitting of the court; applications for a new license must also be advertised in newspaper (or posted in two places) for 14 days. Complaints against licensees to be laid before licensing court, which has power to revoke or suspend a license. Holders of retail licenses need not apply for renewal.

Applications for license or transfer.

The sale of licensed premises does not include the transfer of the license; the purchaser must obtain certificate of the government agent or two justices of the peace. This does not apply to any municipality.

License Amendment Act, 1889, chap. 10, sale of licensed premises not to include a transfer of license.

Municipal Act, 1889, chap. 18.

Applies to all cities, including New Westminster and Vancouver, except where act of incorporation is different. Municipalities have power to make by-laws relating to licensed places, etc. License fees fixed as follows:—Retailers in cities, up to $100; in townships, to $30; in cities, selling pint bottles off premises, to $75; restaurants (beer with meals), $50; wholesalers (two gallons), $50; all for six months. Clubs where liquor is sold, $100 for twelve months. License fees are payable in advance. Penalty for breach up to $250, with fee and costs.

License fees.

Clubs.

Penalty.

Of whom licensing board formed.

In city municipalities licenses to be granted in open court, consisting of mayor (or substitute), police magistrate, one alderman elected by the council, and two justices of the peace (worth $1,000 in land). In township or district municipalities court to consist of the reeve (or substitute), two councillors elected by the council, and two justices of the peace (worth $500 in land). The court to number not less than three, and to sit on the second Wednesday in March, June, September and December. Mayor or reeve to preside, and an equal vote to negative the question.

Applications for new licenses.

Notices.

Transfers.

Applications for new licenses to be deposited 14 days prior to the sitting of the court, and to be published in newspaper (or on court house and two other places) 30 days previous. Applications for a transfer to be deposited with the clerk 14 days before the sitting of the court.

Petitions for new licenses, cities.

In cities new licenses require a petition of two-thirds of lot owners and resident householders in same block and in the block opposite, and if on corner, of the blocks opposite each side, but the board may refuse any application. Petition must give approximate distance of each signer's residence from the premises for which license is sought.

Petitions in townships.

In township municipalities applications for new licenses require petition of two-thirds of resident electors, and premises must accommodate six travellers and six horses.

Renewals.

Holders of retail licenses need not apply for renewal.

Complaints.

Complaints against a license to be lodged with the court, which has power to suspend or revoke licenses.

Judge of peace not to sit on court if interested.

Any justice of the peace interested in any license may not act on court; penalty, $50.

Any interested person may petition against a license and may oppose the granting thereof.

1889, chap. 33, licenses in New Westminster.

In New Westminster liquor licenses are to be issued by the licensing board, consisting of the mayor, two persons appointed by the council, and two appointed by the Lieutenant-Governor.

1890, Municipal Amendment Act, license fees.

License fees for retailers fixed in cities from $100 to $200, townships $30 to $100—both for six months.

New licenses in cities.

New licenses in cities require petition to be signed by the requisite number of lot owners and householders, and by the wives of requisite number of lot owners and of resident householders.

In municipalities.

Applications for licenses in municipalities require to be signed by requisite number of lot owners and resident householders and their wives.

Transfers.

Applications for transfers must be published for 30 days in a newspaper or on court house and two other places.

1891, Liquor License Regulation Act, chap. 21.

Prohibition of selling liquor to drunkard.

Penalties.

Drunkard may apply for prohibition.

A stipendiary magistrate may prohibit any licensed person from selling liquor to a drunkard for one year. Penalty—first offence up to $50, second and subsequent offences $20 to $100; anyone knowing of such prohibition, giving or selling to or procuring liquor for such drunkard, except under direction of a clergyman or doctor, incurs a penalty of $20 to $100. Drunkard may, on seven days' notice, apply to county court judge to set aside the prohibition, which the judge may do if the husband or wife consents thereto. A drunkard may apply for prohibition.

Any one furnishing drink to an intoxicated person incurs a penalty of $20 to $50.

Penalty for furnishing drink to intoxicated person.

In all places where liquor is or may be sold by wholesale or retail, no sale or other disposal of the said liquor shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever, from or after the hour of eleven of the clock on Saturday night till one of the clock on Monday morning thereafter, nor during any further time on the said days, nor any hours or other days during which, by any statute in force in this province, or by any by-law in force in the municipality wherein such place or places may be situated, the same, or the bar-room or bar-rooms thereof, ought to be kept closed, save and except in cases where a requisition for medicinal purposes, signed by a licensed medical practitioner or by a justice of the peace, is produced by the vendee or his agent; nor shall any liquor, whether sold or not, be permitted to be drunk in any such places during the time prohibited by this Act for the sale of the same, except by the occupant or some member of his family: " (Section 4).

Sunday closing hours for licensed places, came into force January 1, 1892.

(1). "Any infraction of this section shall be punishable for a first offence by a fine of not less than twenty dollars nor more than fifty dollars, and for a second offence by a fine of not less than thirty dollars nor more than one hundred dollars, to be recoverable in either case with costs upon summary conviction: "

(2). "The provisions of this section shall not apply to the furnishing of liquor to *bonâ fide* travellers, nor to the case of hotel and restaurant keepers supplying liquor to their guests with meals."

License fees fixed at,—retailers in cities, $100 to $200, for six months. Retailers in townships, $50 to $100, for six months. Retailers in cities selling in pint bottles to be taken off the premises, up to $75, for six months. Wholesale, up to $50, for six months. Restaurants, beer with meals, up to $50, for six months. Clubs, where liquor is sold, $100, for twelve months. Penalty for breach, up to $250, with fee and costs. Cap. 73, 1888, not now to apply to municipalities. License courts composed as set forth in cap. 18, 1889. The mode of application for new licenses or transfers, notices, complaints, etc., the same as in cap. 18, 1889. The wives of lotholders and resident householders have to sign petitions. If the application for a new license should be refused, the applicant cannot apply again in respect of the same premises for twelve months.

Municipal Act, 1891, chap. 29.

License fees.

Chap. 73, 1888 not to apply.

License courts.

License transfers, etc.

If license refused.

New licenses not saleable or transferrable; renewals have to be applied for. Complaints against licensees to be heard by the board. A licensee convicted of a criminal offence forfeits his license. Municipal council may pass by-laws regulating the granting or renewing of licenses, limiting the number, fixing hours for closing, etc. Municipal Act, 1889, and Municipal Amendment Act, 1890, repealed.

The penalty for selling without a license is up to the sum of $250, for every violation, with amount of license fee and costs. Penalties may be levied by distress, and in case of non-payment imprisonment up to three months may be inflicted.

Municipal Act, 1892, chap. 33.

Penalty for violation.

License boards are appointed as provided for by chapter 18, Act of 1889.

License boards.

Licenses granted prior to the passing of the Municipal Act, 20th April, 1891, apply only to premises named therein, but may be transferred at the option of the licensing board.

Transfer of licenses issued prior to 1891.

Applications to transfer licenses must be deposited with the council fourteen days, and notice of intended application be published in a newspaper and posted on court house and two other places, for thirty days before the meeting of the board. The mayor or reeve may grant a tem-

porary transfer of license subject to approval of the board at its next meeting. (Sections 217-221).

Opposition to transfer, etc., licenses.

Any one may oppose the granting of a transfer, or renewal of these licenses. (Section 222.)

Complaints.

Any complaint against the holder of any of these license is to be heard by the licensing board, which has power to revoke or suspend such license for any period in the discretion of the court. (Sec. 224.)

Renewal of licenses.

"Unless and until the council shall pass a by-law to the contrary, under the power conferred upon them by section 242 of this Act, it shall not be requisite for any person holding a license granted before the passing of the Municipal Act of 1891 (April 20th) to make any application for the renewal of the same.' (Sec. 223). "Every person to whom has been granted a *new* license shall if he or she desire a renewal of the same make application to the board of licensing commissioners for such renewal, and the said board may grant or refuse a renewal at their discretion." (Sec. 236).

Renewal of licenses granted subsequently.

"No new license shall be granted or renewed for a longer period than six months."

Notices and applications.

The Act provides for notice being given to the clerk of the municipal council, publication in a newspaper for thirty days, and where no newspaper is published the posting of notice on the door of the court-house or the place where the meetings of the council are usually held, of intention to apply for a license or a renewal of the same.

Application of new licenses.

New licenses apply to the premises named therein only.

Transfers.

A new license granted after 20th April, 1891, is not saleable or transferrable under any conditions. (Section 235.)

Renewals.

Every holder of such a license must apply for a renewal, which the board may grant or refuse, but no renewal can be for a longer period than six months. (Sections 236-37).

Hotel licenses.

Applicants for a hotel license, for a house with thirty rooms, do not require to obtain signatures of owners or residents in locality. Their application is to be made direct to the board and notice of intention to apply is to be published in a newspaper and posted up on the premises sought to be licensed for thirty days before the meeting of the board. The board has power to grant such a license for twelve months, and to grant a renewal thereof, if they think such is in the public interest. (Section 228).

Distance of signatories.

Petitions for a new license shall have stated upon them the approximate distance of the property or residence of each signatory from the premises sought to be licensed.

If refused.

An applicant who has been refused a license cannot apply again for another license within twelve months.

Accommodation in district, etc., horses.

No license shall be granted in any township or district municipality unless there is accommodation for six travellers and six horses in the premises sought to be licensed.

Powers of the board of license commissioners.

Any complaint against the holder of any license granted and *issued under the powers conferred by sub-sections* 1 *to* 6, *section* 104 of *this act* is to be heard by the board of licensing commissioners, and such board have the power to revoke or suspend such license for any period in the discretion of the board. (Section 240.)

Cancellation of license.

"Whenever the holder of a license shall be convicted of any criminal offence, the board of licensing commissioners may, upon proof of the fact of conviction of such license holder being furnished to them, cancel and revoke the said license." (Sec. 241.) "The board shall have power, upon cancellation of a license under this and the preceding section, to re-issue such license to a suitable person." (Sec. 241, ss. *a*.)

Powers of the council.

"The council of every municipality may pass by-laws, not however contrary to or inconsistent with the conditions of this Act.

For regulating the manner and conditions under which the board of licensing commissioners may authorize and grant renewals of a license, or withhold a renewal of a license, to or from any person to whom a license may hereafter be granted:

For limiting the number of licenses for hotels, saloons, stores and restaurants to be issued or granted in the municipality

For prescribing the forms and conditions of the license to be granted by the board of licensing commissioners, or issued by their authority, and the days and the hours upon which the authority to sell liquor may be exercsed:

For regulating and cancelling of licenses by the board of licensing commissioners, before the expiry of the time for which such licenses were issued." (Section 242, sub-sections *a*, *b*, *c*, *d*.)

# APPENDIX No. 74.

## REPORT ON THE COMMISSIONS OF INVESTIGATION APPOINTED IN FRANCE, AS WELL AS ON THE LEGISLATIVE MEASURES PROPOSED OR ENACTED IN THAT COUNTRY, WITH RESPECT TO THE LIQUOR TRAFFIC, BY MR. G. A. GIGAULT.

My colleagues having asked me to give them a summary of the reports of the commissions of investigation appointed in France, and of the legislative measures proposed or enacted in that country, with respect to the liquor traffic, I fulfil the task, by making as far as possible, textual extracts from the reports of those commissions, and from the bills or laws which I have just alluded to.

### COMMISSION ON THE CONSUMPTION OF ALCOHOL IN FRANCE, APPOINTED IN 1886.

On the 15th day of March, 1886, the French Senate organized a commission on the consumption of alcohol; it was composed of eighteen members. Its first sitting was held on the 22nd March, 1886, and the report was submitted to the senate by the chairman, M. Claude, on the 7th of February, 1887.

In that report allusion is made to two former commissions, one of 1849 and the other of 1880, on the same subject, presided over one by M. Thiers and the other by M. Pascal Duprat.

The commission of 1886 observes that in 1873 l'Assemblée Nationale passed a law for the repression of drunkenness. That measure gave a new impetus to the anti-alcoholic propaganda, and has helped on the creation of temperance societies. Amongst these the French temperance society, an association taking active steps against the abuse of alcoholic liquors, has been recognized as an institution of public usefulness (*établissement d'utilité publique*).

The commission proceeds to say:—

"The oidium at first, the phylloxera afterwards, the requirements of the domestic consumption and those of the foreign trade, the scientific progress brought about by that state of things and realized by chemistry and distillery, have determined for liquors an industrial and economical revolution.

"The evil would have been less if we had not ceased finding ourselves in presence of the wine alcohol; but the latter disappeared gradually, even rapidly, to give its place to a new product, the commercial alcohol (*alcool d'industrie*) whose noxiousness, unless it be prepared with minute care, is acknowledged by science, and constitutes a real social danger, a danger which is aggravating itself every day and which manifests itself chiefly by an annual loss of income, by cases of mental alienation, of nervous diseases, of accidental deaths, of suicides, by the weakening of natality and by the increase of criminality.

"The incessant increase of the numbers of liquor-selling places (*débits*) and the privileges granted by the law of 1875 to the distillers of the fruits of their own growth (*bouilleurs de cru*) have also contributed towards the development of alcoholism. The official consumption of alcohol has increased by one-half in twelve years, from 1874 to 1885: 970,599 hectolitres in 1874, the first year in which was collected the duty now in force of 156 frs. 25, to 1,444,342 hectolitres in 1885."

### THE DUTY UPON ALCOHOL IN FRANCE.

Alcohol, as soon as it passed out of the domain of medicine to enter into the common consumption, has been considered as as eminently dutiable article. It appeared as a drink in the 17th century.

From 1816 the ministers of finance, in accord with the legislators, have, almost without interruption, worked towards an increase of the taxes upon liquors.

The commission expressed regret that, on the occasion of every increase, the duty on wine was also increased in an excessive manner. The increase of the tax

having had, as an invariable consequence, the effect of stimulating an increase of fraud, it became necessary; in order to more safely secure the collection of taxes, to multiply formalities, the measures of repression and the number of agents.

In France liquors are subject to different taxes: droit de license, droit de dénaturation, droit de circulation, droit général de consommation, droit d'entrée, droit de détail, droit d'octroi, droit de remplacement, taxe unique, droit de fabrication, droit sur les manquants, droits de douanes.

### ALCOHOL FROM THE CHEMICAL AND HYGEIAN STANDPOINT.

The commissioners observe that in order to obtain ethylic alcohol $C^2 H^6 O$, whose purity is claimed by the Académie de Médecine to be absolute, it is not sufficient to proceed to one simple distillation, we must resort to successive refinements (épurations).

That épuration must be made with the most minute care. Therefore, when we have to deal with the eaux-de-vie of the trade, the fabrication of which has been always very imperfect, not from want of means, but because the trade does not want to incur an expense which the consumer does not demand, we are in presence of a very complex liquid.

The substance which we find naturally in the commercial alcohols are:—The aldehyde $C^2 H^4 O$, the acetic ether, the propylic alcohol $C^3 H^8 O$, the butylic alcohol $C^4 H^{10} O$, and the amylic alcohol of $C^5 H^{12} O$.

The aldehyde is a suffocatory substance like sulphurous acid; a person may be instantly prostrated by inhaling it.

The acetic ether is a powerful anesthetic.

The amylic alcohol has a most deplorable effect on the organs of respiration.

To those impurities, always eliminable by a proper process, must be added others of a graver nature. We wish to speak of adulterations. One which is becoming more and more general is the addition to wine alcohol of a certain quantity of methylène. At present the commercial alcohols all contain impurities, even the alcohol of wine.

If it is impossible to know scientifically the composition of the trade eaux-de-vie, that recognition is not yet, unfortunately, practically possible, viz., in a manner to obtain with the present regime a serious interdiction of the circulation of all alcohol other than the ethylic alcohol.

### TOXICAL POWER OF ALCOHOLS.

The commissioners proceed to remark that all alcohols are endowed with toxical properties. The average toxical (toxique) dose for a kilogram of the weight of the subject's body is eight grammes with the ethylic or wine alcohol $C^2 H^6 O$, while it is only one gramme 70. if we use amylic alcohol $C^5 H^{12} O$.

"The toxical lesions bear: 1st, on the digestive apparatus; 2nd, on the vocal and respiratory organs; 3rd, on the nervous system; 4th, on the kidneys.

"All the alcohols of commerce are poisonous and their malignity is in relation: 1st, with the origin of these alcohols; 2nd, with their degree of purity." "From the point of view of their increasing noxiousness, the different products experimented on are classified as follows: 1st, alcohol of wine; 2nd, alcohol of pears; 3rd, alcohol of the residum of grapes and cider; 4th, alcohols of cereals; 5th, alcohol of beets and the molasses of beets; 6th, alcohol of potatoes." So that the alcohol of wine is the least noxious of all the alcohols of commerce.

M. Lunier has shown, by his maps, that offences and crimes resulting from the abuse of alcoholic liquors, were in direct relation to the use of alcohols other than that of wine. It is an established fact that drunkenness is most prevalent in the non-vine growing countries.

In Scandinavian countries, where they make an exclusive use of potato alcohols, alcoholism has reached its greatest intensity; the writings of Magnus Huss confirm this.

## DECREASE OF THE POPULATION.

On this subject the commission remarks:—

"If we throw a glance at our map with respect to the variations of the population, we can ascertain that the regions where the population tends to decrease are precisely those where the greatest quantity of alcohol is consumed." (A copy of the map is annexed.)

"Normandy, where they distill a large quantity of alcohols from cider, pears and beets, is one of the places where alcoholism is making the greatest ravages. Their reigns the prejudice that it is necessary to give wine and liquors to young children in order to strengthen them. That bad habit of providing children with another food than milk, coupled with the alcoholic excesses of the adults, is undoubtedly one of the chief sources of the depopulation of that wealthy province." "Nations, like individuals," says the commission, "can live long only if they are sober and virtuous; as soon as they become intemperate and vicious they are destined to perish."

It has been noticed that the tendency to make use of alcoholic liquors was, in many cases, the effect of an organic hereditary inclination.

"Another cause," says Doctor Lancereaux, "of the evil which is every day gaining ground, is the bad quality of the liquors given for consumption."

"And to remedy such a state of things," says Doctor Lancereaux, "the greatest care should be taken to give to consumers only liquors of a good quality. Therein lies the prevention of alcoholism,—to inspect seriously the making and sale of alcoholic liquors; to enact the severest penalties against adulterators and to oppose the multiplication of inns."

## PRODUCTION OF ALCOHOLS IN FRANCE.

The names of eaux-de-vie, alcohols or spirits, are given to the products of distillation either of different alcoholic liquors, wine, ciders, pears, beers or of grape residuums, wine dregs, barley or potato worts, fruit juices, stalks (sugar canes), and sugar roots (beer) which have undergone alcoholic fermentation. Commercially the eaux-de-vie are such of those products as contain from 38 to 61 per cent of pure alcohol, and which are obtained directly by distillation, or simply by the addition of a certain proportion of water to alcohols more or less rectified. The latter mode is chiefly employed for the eaux-de-vie other than those of wine, cider or grape residue.

Alcohols or spirits are those which contain more than 61 per cent of pure alcohol, or alcohol considered or reputed pure. The eaux-de vie are the only ones which for a long time have been consumed in France. In order to properly prepare the fine and pure eaux-de-vie, we cannot indiscriminately employ all the wines.

Old wines are preferable to new ones, and white wines to red ones.

The most commonly used wines contain from 8 to 10 degrees of alcohol,—that is to say, from 16 to 20 per cent of eaux-de-vie at 50 degrees.

In 1876 wine alcohols gave 545,994 hectolitres and only 23,240 in 1885.

In France the manufacture of grain alcohols, for a long time unimportant, suddenly expanded in 1885; it was, in 1873, 86,700 hectolitres, in 1885 it reached 564,000.

There is obtained by the distillation of cider, a product which contains, besides the wine alcohol, some aldehyde, some propylic alcohol, and some traces of amylic alcohol and butylic alcohol.

There are distilled also cherries and plums (kirsch and couetsche), white mulberries, juniper berries (juniper, gin) and other fruits.

The kirsch, the couetsche eau-de-vie, the noyau eau-de-vie, owe their aroma to traces of cyanhydric or prussic acid, the effect of which is really stupefactive.

It is to Doctor Libavius of Hallein Saxe, that we owe the discovery, towards the end of the sixteenth century, of the means of extracting alcohol from grain and sweet or amylaceous fruits first submitted to fermentation.

The grain alcohol contains, in addition to wine alcohol, the aldehyde $C^2$ $H^4$ O, the acetic ether, the alcohols propylic $C^3$ $H^8$ O, butylic $C^4$ $H^{10}$ O, and amylic $C^5$ $H^{12}$ O, as well as a very odoriferous oil $C^{24}$ $H^{34}$ O, (mulder) some margaric, caprylic and capric acids.

Corn produces for each 100 kil. 28 to 31 litres of alcohol, at 100°; oats 19 to 22.

The figures above given show on one part the progressive decrease of the production of wines and on the other part the increase of that of alcohols.

### CONSUMPTION OF ALCOHOLS IN FRANCE.

La Normandie and La Bretagne consume chiefly cider eau-de-vie, and the region of the east chiefly fruit and grape residuums eaux-de-vie.

In 1830, the mean consumption of France, per head, of alcohol, calculated on the total of the population, without distinction of age or sex, was 1 litre 12; the duty then of 55 frs. 50$\frac{1}{10}$, which was less than the purchase price of the material, was levied on 365,182 hectolitres and produced 20,241,000 francs. In 1885 the consumption reached 3 litres 85, the duty now of 156 frs. 25, more than three times higher than the purchase price, was levied on 1,444,342 hectolitres and produced 238,333,000 frs.

It must be observed that the valuation of consumption per head represents but very imperfectly the real proportion. Firstly, no account is kept of the production of the distillers of the fruits of their own growth (bouilleurs de cru), which is duty free, nor of the production diverted by fraud. The tables annexed to the report show the consumption of pure alcohol and that of the chief other alcoholic drinks wine, cider and beer. They establish, as a fact, the more wine a region makes, and consequently consumes, the less alcohol it absorbs. In those, on the contrary, which are without wine and which resort to beer and cider (less alcoholic drinks), the consumption of alcohol acquires a great importance. We could say, observe the commissioners, that man seeks in the eau-de-vie the quantity of alcohol which he has not been able to find in beer and cider, and which he would have found in wine.

### CONSUMPTION OF ALCOHOL BASED ON THE ALCOHOLIC CAPACITY OF ALL THE DRINKS.

Admitting on the one part, that the alcoholic mean of wine in France is 10°, that of beer is 3°, and that of cider is 5°, basing our calculations for liquors and spirituous drinks upon the quantities of alcohol indirectly taxed by the administration, the total individual consumption of France, in 1885, was 12 litres 96.

From table annexed to the report, it appears that the individual share of the tax was in 1885, 3 frs 61 for wine and 6 frs. 32 for alcohol.

### THE DISTILLERS OF FRUITS OF THEIR OWN GROWTH (BOUILLEURS DE CRU.)

In 1875 the privilege of bouilleurs de cru was created by a law thus worded:

"Unique article.—The landlords and tenants who distill wines, mulberries, cider, plums and cherries of their own growth are exempted from all previous declaration and are free from all inspection."

The consequences of that privilege have been: expansion of the fraud and development of alcoholism. The commission demands the suppression of that privilege.

### LIQUOR-SELLING PLACES (DÉBITS).

If the bouilleurs de cru are the scourge of the rural districts, the dealers in liquors are undeniably the plague of the cities; at the present time they burst forth in the smallest villages. Their increasing numbers become a universal ground of anxiety and are one of the recognized causes of drunkenness. We know how readily, even when his inclination does not point in that direction, the workingman who is addicted to drink suffers himself to be drawn into the saloon.

In 1885 there was, at a medium, 94 inhabitants for ever saloon (débit). The French Temperance Society has asked that there should be not more than one débit for each two hundred inhabitants.

The commission believes that it would be preferable to increase the license duties and thinks such a line of action would hinder the development of the number of saloons and give an increased revenue to the treasury.

### ALCOHOLISM-DRUNKENNESS.

In order to repress drunkenness the law of 1873 was enacted, the chief article of which is the following:—

"Shall be liable to a fine from one to five francs, all persons who shall be found in a state of manifest drunkenness in the streets, roads, taverns, saloons, or other public places."

The reports with respect to the effects of that law have been generally favourable; however, in rural districts, for want of proper means to secure its enforcement, the law is not all that could be desired. From a table annexed to the report it appears that cases of drunkenness are met with chiefly in non-wine growing regions.

### CRIMINALITY.

By consulting a table relating to criminality, we ascertain that the departments the most addicted to the consumption of eau-de-vie, supply to the criminal classes a more considerable contingent than others.

### THE VITAL FORCE OF MAN.

The excessive consumption of alcohol, chiefly of the trade alcohol, has an influnce upon the human constitution, and the health of children has, almost always, to suffer from the alcoholic excesses of the father. In Normandy chiefly, in that fine province which a map annexed to the report shows in a clear manner, the mortality of infant children is frightful, though not enumerated in the official statistics, which only record the deaths of children many months old

If we consult the table No. 26, annexed to the report, we ascertain that the increased consumption of alcohol has had no action upon the stature and height of the conscripts.

In consulting a table published at page 236, we cannot help being struck with the relatively large number of cases of accidental deaths, through excesses in drink, in the departments which consume the greatest quantity of alcohol, principally trade alcohol, and of their diminished number in those which consume the larger quantity of wine. The departments which are great consumers of beer, appeared to be more favoured than those where cider is the ordinary drink; the latter are in every respect more ill-treated by alcoholism (a result to be attributed to the effects of the privilege granted to the bouilleurs de cru).

### SUICIDE.

From the beginning of this century there has been a progressive increse of suicides.

### MENTAL ALIENATION.

By the tables published by the government, we see that the asylums which have the most numerous alcoholic contingent are precisely those situated where alcoholic consumption is the greatest.

## ALCOHOL IN FOREIGN COUNTRIES.

### ALSACE-LORRAINE.

In presence of the ravages of alcoholism, a law was enacted in 1880, increasing the duties on licenses to liquor dealers, an increase which brought about the disappearance of one-quarter of the 13,000 taverns which existed in 1880.

In Prussia the number of alcoholic insane persons reaches 15 per cent for men and 1 per cent for women. The deaths caused through excess in drink reach 4 per cent; suicides attributable to alcoholism reach 8 per cent in Prussia.

### ENGLAND.

Penalties against public drunkenness run up to 50 francs and one month's imprisonment with hard labour.

### SWEDEN.

In certain cities, societies for the sale of liquors, called bolag, have organized themselves in order to monopolize the trade in liquors. One of them which has become famous was founded in 1865 in Gothenburg. Those societies retain only the interest on their outlay. The surplus of their profits is given to the treasury, or for public purposes. They have greatly diminished the number of taverns and saloons and seen to the good quality of the liquors consumed.

### NORWAY.

Some societies for the sale of liquors called samlag, similar to the Swedish bolag, exist equally in Norway, but they have the full disposal of their benefits, provided they are applied to works of public utility approved of by the state.

The situation of Norway from the alcoholic standpoint seems satisfactory.

### SWITZERLAND.

The Helvetian Republic has just realized an importhant reform the preparation of which has taken many years. She has adopted the general monopoly of alcohols with the reconveyance to home manufacturers of the manufacture of one-fourth of the liquors consumed, and has ordered, by special provision, the rectification of all the spirituous liquors intended for consumption.

The following tables are published by the commission:—

### CLASSIFICATION ACCORDING TO THE RATE OF DUTY PER HECTOLITRE.

| | Frs. | c. |
|---|---|---|
| 1. England | 477 | 19 |
| 2. Russia | 260 | 54 |
| 3. Netherlands | 252 | 00 |
| 4. United States | 245 | 36 |
| 5. Canada | 240 | 00 |
| 6. Norway | 187 | 40 |
| 7. France | 156 | 25 |
| 8. Italy | 150 | 00 |
| 9. Sweden | 145 | 00 |
| 10. Finland | 92 | 00 |
| 11. Belgium | 74 | 25 |
| 12. Germany | 33 | 91 |
| 13. Bavaria | 32 | 75 |
| 14. Wurtemberg | 32 | 75 |
| 15. Denmark | 26 | 80 |
| 16. Austria-Hungary | 26 | 75 |
| 17. Baden | 23 | 12 |

CLASSIFICATION SHOWING THE CONTRIBUTION OF EACH INHABITANT TO THE DUTY.

| | Frs. | c. |
|---|---|---|
| 1. England | 12 | 60 |
| 2. Netherlands | 11 | 80 |
| 3. United States | 7 | 50 |
| 4. Russia | 6 | 32 |
| 5. France | 6 | 32 |
| 6. Canada | 5 | 42 |
| 7. Sweden | 4 | 30 |
| 8. Belgium | 3 | 48 |
| 9. Norway | 2 | 50 |
| 10. Denmark | 2 | 30 |
| 11. Switzerland | 1 | 90 |
| 12. Germany | 1 | 78 |
| 13. Finland | 1 | 19 |
| 14. Austria-Hungary | 1 | 11 |
| 15. Italy | ... | 64 |
| 16. Bavaria | ... | 57 |
| 17. Baden | ... | 50 |
| 18. Wurtemberg | ... | 40 |

CLASSIFICATION ACCORDING TO THE INDIVIDUAL CONSUMPTION.

| | Litres. | |
|---|---|---|
| 1. Denmark | 8 | 86 |
| 2. Germany | 8 | 25 |
| 3. Switzerland | 5 | 00 |
| 4. Netherlands | 4 | 58 |
| 5. Belgium | 4 | 20 |
| 6. Sweden | 4 | 15 |
| 7. France | 3 | 85 |
| 8. Baden | 3 | 77 |
| 9. Austria-Hungary | 3 | 50 |
| 10. Russia | 3 | 32 |
| 11. Finland | 2 | 60 |
| 12. Wurtemburg | 2 | 50 |
| 13. United States | 2 | 50 |
| 14. England | 2 | 49 |
| 15. Bavaria | 2 | 45 |
| 16. Canada | 1 | 95 |
| 17. Norway | 1 | 75 |
| 18. Italy | 1 | 04 |

## GENERAL CONSIDERATIONS.

### CONCLUSIONS.

The commissioners proceed to say:—

"We have during this long report studied the liquor traffic in France and in foreign countries. We have examined the numerous transformations which the legislation in regard to it has undergone.

"We have been able to ascertain that no legislation or combination has stopped the continuous progressive growth of consumption." And the commissioners add, "to-day the situation is graver than ever. A certain number of our departments are threatened with a rapid degeneration of the race. Alcoholism is a generator of poverty; it has already disturbed the whole social economy. On the other part,

why should we not acknowledge it? Our finances are not what we would desire them to be, and the equilibriums of our budgets can be maintained only by new taxes. What then must be done in order to protect at the same time the rules of hygiene, the laws of public morals, and the interests of the treasury?"

The commission goes on to say that many modifications have been proposed.

Mr. Laur proposed, on the 10th November, 1886, a bill containing a general reform of the duty on liquors. It abolishes duties on wines, beers, ciders, perries and vinegars. By way of compensation, it raises the duty upon alcohol to 200 francs an hectolitre. A bonding house would be erected in every district for alcohol which would enter there. Declaration would be made of all the distilleries and bonding houses, which would all be under the supervision of the government. Article five of that bill suppresses the privilege of the bouilleurs de cru.

Another measure was proposed to prevent adding to wine alcohols not rectified, and not having the hygeian conditions ordered by the government.

Those different bills which we have enumerated formed one of the most constant preoccupations of the legislator.

Another proposition is due to the inventive mind and scientific attainments of Mr. Emile Alglave, professor of financial science at the law faculty of Paris. The system of Mr. Alglave has appeared so worthy of attention that the commission has asked the eminent professor to condense it into a bill.

That bill is published in the Appendix XII. of the commissioner's report.

We see by its preamble, it tends not only to the suppression of alcoholism and to reform of the mode of levying the tax on alcohols, but also to suppress the taxes upon wines, cider and beer.

The first chapter treats of the hygiene control; it gives ample satisfaction to the desires of the friends of hygiène, of the moralists and of the savants called upon to deliberate on the subject. Consequently it responds to the wishes of the commission.

Mr. Alglave pronounces himself in favour of the monopoly.

The commissioners observe:—

"It (the monopoly) would be the ruin of the wholesale merchants, unless the state indemnifies them. Does that mean that when the great moral interests which form the object of this investigation are at stake, and the vitality itself of France is imperilled, the commission should repel all idea of monopoly? By no means. The monopoly of alcohol, which can easily be justified, can be established as easily as that of tobacco."

"Though putting aside the scheme of Mr. Alglave, the commission does not disregard the great services rendered by that learned professor to the good cause by solving the question as it should be (viz): To cause the tax to be borne by the alcohol consumed; To allow only chemically pure alcohol to be consumed.

"The ground of the investigation pursued by the commission is entirely in that form."

Then comes Mr. Victor Turquan's proposition. He wants an analysis of samples of the spirituous liquors prepared by distillers.

All liquors to be rectified so as to be chemically pure.

Rigid penalties to be enacted against the distillers who give for consumption impure eaux-de-vie, and liquors.

The commission insists on the necessity of stopping fraud.

Dr. Lunier has estimated the fraudulent selling of alcohol at one-fourth of the total production. A great distiller, Mr. Luget, deems that it reaches 1,072,000 hectolitres of pure alcohol, representing more than 167 millions of francs.

Often the repression of fraud is, if not rendered impossible, at least partly paralyzed by politics. The consequences of that situation are the perversion of morals and having fraud looked upon as a thing quite natural, transformed into a habit; it is at the same time prejudicial to the treasury and the ruin of the manufacturers who submit to law and who cannot compete with the perpetrators of fraud, and the commission adds:

"France cannot remain a stranger to the move carrying all nations towards the reform of their legislation upon alcohol. She is only the seventh nation from the

standpoint of elevation in the rate of duty. Before her came England, Netherlands, Canada, the United States, Russia and Norway. But France is also the seventh of the nations in which the consumption of alcohol per head has most spread. She is surpassed in that direction only by Denmark, Germany, Switzerland, Netherlands, Belgium and Sweden.

Almost all the states pursue at the same time both a fiscal and a hygeian purpose. Belgium, which has been ravaged by alcoholism, distinguishes herself among all by her vigorous struggle against the scourge. In the sitting of the chamber of the 18th January, 1887, the minister of justice has not only introduced a bill for the repression of drunkenness, but has also announced that he will propose a bill having for its object to restrict the consumption of alcoholic liquors.

"In Switzerland the federal law of the 23rd December, 1886, has instituted a monopoly of the traffic in alcohol by the state.

"The German government, after a first check before the Reichstag pursues with tenacity the establishment of a similar monopoly."

"In one of his lectures M. Alglave has shown us the monopoly of alcohol in the republic of Venezula."

"England is combatting alcoholism by increasing duties, by most severe measures against frauds, and by favouring the sale of hygeian drinks."

"The Scandinavian states, as well as the United States of America, distinguish themselves in that struggle. Everywhere the action of the governments is supported by that of individuals, societies, leagues, such as the Belgian patriotic league, against alcoholism."

"The commission has, however, paid less attention to restrictive measures in consumption than to the quality and harmlessness of the products to be consumed."

"The commissioners have not for one moment forgotten that alcoholism has developed itself in France only after the disasters which have destroyed a large portion of the vines."

"The scourge would disappear for the most part should wine-growing become again prosperous."

"But that prosperity is yet remote and trade alcohols, as well as the phlegms of occult distilleries, would accomplish their work of social disorganization, if the governments did not oppose it."

"Therefore, the commission invites, in the most pressing way, the government and the legislative assemblies to take the necessary measures to enact the laws which the different nations to-day consider measures of national security, and as laws of public safety. The monopoly of alcohol by the state will be, perhaps, the extreme term and the definite formula. Why then not adopt it, if monopoly protects the vital interests which are at stake? Monopoly alone will allow complete control of the absolute product; the product without fraud or leakage. It is with such an organized system that we will be in a position, according to the formula of Pascal Duprat, to free entirely hygeian liquors, wines, beers, ciders, by causing their ransom to be paid by alcohol. Who, then, would criticize such a regime?"

"But the commission, while pronouncing in favour of monopoly and inviting the government to refer the study of that great question to an extra parliamentary commission, has adopted a series of conclusions sanctioning the principle, the application of which is considered pressing. It is those conclusions which they submit to the sanction of the Senate:—

1st. "Supression of the privilege of bouilleurs de cru."

2nd. .....

3rd. "Interdiction of the circulation of all alcohols, eaux-de-vie liquors recognized by chemical analysis to be injurious to public health."

"Toxical alcohol, called 'supérieur' (other than ethylic alcohol), should be absolutely eliminated in the making of spirituous liquors in general."

4th. .....

5th. "Organization of bonding houses or rectification establishments, with the power of giving transferable acknowledgements of receipt."

6th. "The hygeian control of manufactured alcohols is obligatory."

7th. "Alcoholization of wines can be operated by no other alcohol but chemically pure alcohol. The normal degree of wines cannot go beyond 12°."

8th. "The sweetening of wines should be preferred to alcoholization (vinage) even where the latter is made with chemically pure alcohol."

9th. "A duty should be imposed upon dry grapes (raisins) used in making wines."

10th. "The actual rate of duty upon licenses should be increased fourfold (majoré jusqu'au quadruplement)."

NOTE:—1 hectolitre is equal to 22 English gallons.
1 hectolitre is equal to 100 litres.
1 English (imperial) gallon is equal to 4·543 litres.

STATEMENT of the consumption of Alcohol per head, in France

| Year. | Mean consumption per head. | Year. | Mean consumption per head. |
|---|---|---|---|
| | Litres. | | Litres. |
| 1830 | 1·12 | 1861 | 2·23 |
| 1831 | 1·09 | 1862 | 2·29 |
| 1832 | 1·13 | 1863 | 2·33 |
| 1833 | 1·16 | 1864 | 2·32 |
| 1834 | 1·13 | 1865 | 2·34 |
| 1835 | 1·10 | 1866 | 2·53 |
| 1836 | 1·14 | 1867 | 2·47 |
| 1837 | 1·22 | 1868 | 2·55 |
| 1838 | 1·39 | 1869 | 2·63 |
| 1839 | 1·59 | 1870 | 2·32 |
| 1840 | 1·55 | 1871 | 2·81 |
| 1841 | 1·49 | 1872 | 2·09 |
| 1842 | 1·61 | 1873 | 2·59 |
| 1843 | 1·64 | 1874 | 2·69 |
| 1844 | 1·78 | 1875 | 2·82 |
| 1845 | 1·81 | 1876 | 2·71 |
| 1846 | 1·70 | 1877 | 2·79 |
| 1847 | 1·71 | 1878 | 2·98 |
| 1848 | 1·58 | 1879 | 3·22 |
| 1849 | 1·56 | 1880 | 3·64 |
| 1850 | 1·46 | 1881 | 3·91 |
| 1851 | 1·74 | 1882 | 3·85 |
| 1852 | 1·81 | 1883 | 3·96 |
| 1853 | 1·80 | 1884 | 3·98 |
| 1854 | 1·68 | 1885 | 3·86 |
| 1855 | 2·00 | 1886 | 3·53 |
| 1856 | 2·13 | 1887 | 3·84 |
| 1857 | 2·29 | 1888 | 3·87 |
| 1858 | 2·34 | 1889 | 4·00 |
| 1859 | 2·28 | 1890 | 4·35 |
| 1860 | 2·27 | | |

STATEMENT of the importation into France of beer from 1884 to 1889, with totals.

| Countries. | 1889. | 1888. | 1887. | 1886. | 1885. | 1884. |
|---|---|---|---|---|---|---|
| | Hect. | Hect. | Hect. | Hect. | Hect. | Hect. |
| England | 20,539 | 14,745 | 19,353 | 23,887 | 10,555 | 19,078 |
| Germany | 172,736 | 146,712 | 187,123 | 233,807 | 272,345 | 325,488 |
| Austria | 766 | 703 | 1,946 | 2,837 | 4,743 | 5,588 |
| Other countries | 30,280 | 26,146 | 26,217 | 32,032 | 35,773 | 31,197 |
| Total | 224,321 | 188,306 | 234,639 | 292,563 | 323,416 | 381,351 |

STATISTICS of the manufacture, importation and exportation of beer in France from 1867 to 1889.

| | Manufacture. | Importations "commerce special." | Exportations "commerce special. ' |
|---|---|---|---|
| | Hectolitres. | Hectolitres. | Hectolitres. |
| 1867 | 7,001,611 | 64,989 | 27,202 |
| 1868 | 7,322,618 | 76,456 | 37,264 |
| 1869 | 4,523,032 | 79,305 | 39,008 |
| 1870 | 4,523,032 | 60,197 | 28,778 |
| 1871 | 4,523,032 | 76,971 | 26,647 |
| 1872 | 7,131,313 | 279,598 | 25,165 |
| 1873 | 7,413,190 | 270,592 | 23,984 |
| 1874 | 7,339,990 | 249,882 | 28,810 |
| 1875 | 7,355,514 | 281,100 | 31,233 |
| 1876 | 7,604,005 | 297,039 | 23,608 |
| 1877 | 7,743,118 | 318,416 | 27,918 |
| 1878 | 7,565,474 | 351,246 | 27,802 |
| 1879 | 7,375,114 | 310,727 | 28,106 |
| 1880 | 8,227,005 | 378,752 | 29,267 |
| 1881 | 8,624,786 | 413,684 | 26,702 |
| 1882 | 8,305,703 | 414,703 | 26,976 |
| 1883 | 8,410,650 | 413,837 | 25,721 |
| 1884 | 8,492,853 | 381,354 | 39,264 |
| 1885 | 8,009,922 | 333,416 | 27,432 |
| 1886 | 7,978,860 | 292,563 | 34,119 |
| 1887 | 8,233,647 | 234,639 | 31,773 |
| 1888 | 7,952,470 | 188,306 | 39,624 |
| 1889 | 8,382,954 | 224,321 | 38,528 |

STATEMENT showing the annual production of wine, cider and alcohol in France from 1850 to 1890.

| Year. | Wine. | Cider. | Alcohol. |
|---|---|---|---|
| | Millions d'hect. | Millions d'hect. | Millions d'hect. |
| 1850 | 45,266 | 16,181 | 940 |
| 1851 | 39,429 | 2,512 | 1,036 |
| 1852 | 28,636 | 18,428 | 697 |
| 1853 | 22,662 | 8,444 | 726 |
| 1854 | 10,824 | 8,615 | 914 |
| 1855 | 15,175 | 2,946 | 702 |
| 1856 | 21,294 | 3,782 | 704 |
| 1857 | 35,410 | 3,047 | 853 |
| 1858 | 53,919 | 4,297 | 958 |
| 1859 | 29,891 | 11,613 | 1,032 |
| 1860 | 39,558 | 14,593 | 873 |
| 1861 | 29,738 | 8,859 | 1,031 |
| 1862 | 37,110 | 7,937 | 1,018 |
| 1863 | 51,372 | 9,910 | 1,227 |
| 1864 | 50,653 | 11,644 | 1,353 |
| 1865 | 68,943 | 2,784 | 1,541 |
| 1866 | 63,838 | 14,675 | 1,391 |
| 1867 | 39,128 | 11,642 | 1,088 |
| 1868 | 52,098 | 11,696 | 1,292 |
| 1869 | 70,000 | 4,280 | 1,411 |
| 1870 | 54,535 | 19,194 | 1,237 |
| 1871 | 56,901 | 2,128 | 1,601 |
| 1872 | 50,155 | 4,597 | 1,891 |
| 1873 | 35,716 | 13,635 | 1,424 |
| 1874 | 63,146 | 13,312 | 1,532 |
| 1875 | 83,836 | 18,257 | 1,849 |
| 1876 | 41,847 | 7,036 | 1,709 |
| 1877 | 56,405 | 13,345 | 1,309 |
| 1878 | 48,720 | 11,936 | 1,417 |
| 1879 | 25,770 | 7,738 | 1,488 |
| 1880 | 29,677 | 5,465 | 1,581 |
| 1881 | 34,139 | 17,122 | 1,822 |
| 1882 | 30,886 | 8,921 | 1,767 |
| 1883 | 36,029 | 23,492 | 2,011 |
| 1884 | 34,781 | 11,907 | 1,935 |
| 1885 | 28,536 | 19,955 | 1,864 |
| 1886 | 25,063 | 8,300 | * |
| 1887 | 24,333 | 13,437 | * |
| 1888 | 30,102 | 9,767 | * |
| 1889 | 23,224 | 3,711 | * |
| 1890 | 27,416 | 11,095 | * |

*No information.

STATEMENT of the number of liquor shops and the proportion of inhabitants to each shop.

| Year. | Liquor shops. | Proportion. |
|---|---|---|
| 1875 | 342,622 | 109 to each shop. |
| 1876 | 343,139 | 108 " " |
| 1877 | 346,598 | 107 " " |
| 1878 | 350,697 | 106 " " |
| 1879 | 354,852 | 105 " " |
| 1880 | 356,863 | 104 " " |
| 1881 | 367,825 | 103 " " |
| 1882 | 372,587 | 101 " " |
| 1883 | 377,514 | 100 " " |
| 1884 | 386,855 | 96 " " |
| 1885 | 399,145 | 94 " " |

From 1878 we have calculated the proportion of inhabitants to each shop.

STATISTICS showing number of persons charged with public drunkenness in violation of the law of 23rd January, 1873.

| — | Contraventions tried. | | | | | Contraventions in connection with shops. | | | | | Shops second offence. | | | | | Total per annum. | | | | | Total for five years. | Average total for five years. | Proportion per 1,000 inhabitants. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1881. | 1882. | 1883. | 1884. | 1885. | 1881. | 1882. | 1883. | 1884. | 1885. | 1881. | 1882. | 1883. | 1884. | 1885. | 1881. | 1882. | 1883. | 1884. | 1885. | | | |
| Total for France. | 54,185 | 55,299 | 56,110 | 51,94 | 50,892 | 10,255 | 10,265 | 9,967 | 9,585 | 8,603 | 2 939 | 2,370 | 3,429 | 3,594 | 3,258 | 67,379 | 68,934 | 69,566 | 68,072 | 62,753 | 336,641 | 67,328 | 178 |

STATISTICS of Criminal Justice Court of Assizes and Correctional Tribunal.

| — | Cases brought before the Judge of the Court of the Assizes. | | | | | Cases brought before the Correctional Tribunal. | | | | | Total per annum. | | | | | Total for 5 years. | Mean total for five years. | Proportion per 1,000 inhabitants. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1881. | 1882. | 1883. | 1884. | 1885. | 1881. | 1882. | 1883. | 1884. | 1885. | 1881. | 1882. | 1883. | 1884. | 1885. | | | |
| Totals..... | 4,320 | 4,814 | 4,313 | 4,277 | 4,184 | 210,057 | 202,307 | 209,499 | 217,960 | 224,372 | 214,377 | 207,121 | 213,812 | 222,237 | 228,556 | 1,086,103 | 217,220 | 57 |

STATEMENT of the number of conscripts for the army rejected for defects.

| Years. | Total number of conscripts. | Numbers rejected. | Proportion. per cent. |
|---|---|---|---|
| 1872 | 303,810 | 6,940 | 2·29 |
| 1873 | 296,487 | 7,073 | 2·39 |
| 1874 | 283,768 | 6,339 | 2·24 |
| 1875 | 279,846 | 5,728 | 2·60 |
| 1876 | 294,382 | 6,553 | 2·23 |
| 1877 | 286,107 | 6,110 | 2·14 |
| 1878 | 295,924 | 6,556 | 2·22 |
| 1879 | 316,662 | 7,828 | 2·48 |
| 1880 | 306,833 | 7,192 | 2·35 |
| 1881 | 309,689 | 6,560 | 2·13 |
| 1882 | 312,924 | 6,939 | 2·23 |
| 1883 | 313,951 | 7,158 | 2·28 |
| 1884 | 309,097 | 6,826 | 2·21 |
| Total | 3,909,480 | 87,802 | 2·25 |

# APPENDIX No. 75.

MEMORANDUM PREPARED FOR THE ROYAL COMMISSION ON THE LIQUOR TRAFFIC—GERMAN IMPERIAL LAWS REFERRING TO THE MANUFACTURE AND TAXATION OF BRANDY AND ALSO THE CUSTOMS DUTIES ON IMPORTED SPIRITUOUS LIQUORS.

## Law of 24th June, 1887.

EXCISE.

SECTION 1.—The excise upon a total yearly production of brandy equal to four and a half litres of pure alcohol per head of the population as determined by the census last held amounts to marks 0·50 per litre of pure alcohol. Upon all brandy manufactured in excess of this quantity mark 0·70 per litre.

With regard to the quantity of brandy which may be entered at the lower rate of excise, the estimates are revised every three years.

Brandy that is manufactured for export for industrial purposes is not subject to excise, and is not included in the triennial estimate of the quantity to be taxed at the lower rate.

SECTION 2.—The quantity of brandy that any individual is permitted to enter at the lower rate of taxation is determined by the average amount of his excise during the years 1879–1886, or, if the distillery is a new one, by its capacity of production. The estimate is to be revised every third year.

SECTION 14.—Every change in the possession of a brewery is to be made known to the excise officer.

SECTION 16.—If the claims of the government are not enforced within one year from the time that the excise falls due, they cease to be valid. Claims for refund expire within a year also.

SECTION 21.—Every individual perpetrating fraud on the excise is subject to a fine equal to four times the amount fraudulently withheld, and at least amounting to five marks. If the amount of fraud cannot be ascertained, he is subject to a fine ranging from five marks to ten thousand. Beside this fine the excise must be paid.

In case of the discovery of an illicit distillery or fraudulent contrivance, the excise and fine are to be estimated on the basis of the uninterrupted production of the same for a period of three months, unless evidence is produced which shows the fraud to have been greater or less than the result thus obtained. In case of interference with the authorities' measuring apparatus, in addition to the previously mentioned fine, offenders are subject to imprisonment for a period not exceeding twelve months. For the second offence, the amount of time is doubled. Each subsequent offence renders liable to imprisonment for a period not exceeding three years. In certain cases, judges are empowered to substitute for imprisonment a fine equal to double the amount imposed for the second offence.

SECTION 24.—It is immaterial whether the first offence was tried in the same or any other federal state in the empire.

SECTION 28.—The proprietor of a brewery in which fraud is committed on the excise is, as such, subject to a fine ranging from 25 to 5,000 marks, according to the nature of the offence.

SECTION 26.—Offences against the provisions of this law which do not come within the operation of the regulations concerning fraud, are liable to a disciplinary punishment not exceeding 300 marks.

SECTION 29.—A proprietor who does not conduct his own business may, with the consent of the excise authorities, transfer his responsibility under previous sections to a manager.

SECTION 30.—Proprietors once convicted of fraud are forbidden ever to resume this business, or to have any interest in such. The excise authorities are empowered to grant exceptions to this rule.

SECTION 31.—The excise authorities may, without prejudice to the disciplinary punishment referred to in section 26, enforce the observance of the provisions of this law, by means of executive fines not exceeding M. 500.

SECTION 34.—Fines that cannot be collected are convertible into imprisonment, according to the scale of the criminal code.

SECTION 37.—Fines are to be paid into the exchequer of the state that imposes them.

SECTION 38.—Fines and punishments imposed in one state in accordance with these provisions can be extended to inhabitants of other federal states who share in the offence, but the execution of the law must be left in the hands of the state in whose territory the execution of the law is to take place.

SECTION 39.—Revenue from excise is to be distributed among federal states according to their population.

SECTION 40.—The highest fine to be imposed for violation of any provision of this law shall not exceed M. 10,000.

SECTION 41.—A mash tax is to be levied on agricultural breweries, *i.e.*, breweries that use grain or potatoes, feeding the entire residue to cattle on the proprietor's farm. The scale of taxation is regulated by the production of the distillery. Small distilleries are favoured.

There is also a tax on non-farinaceous substances from which brandy is made, such as kernel fruits, grape wine, etc.

In case the brandy manufactured from such substances is employed for industrial purposes, this preliminary tax will be refunded.

CUSTOMS.

SECTION 44.—The customs duties on cognac and rum amount to M. 125 per 100 kilograms; on brandy, to M. 180 per 100 kilograms.

SECTION 45.—Brandy imported from other parts of Germany into the territory which comes under the operation of these laws, *i. e.*, into the territory of the so-called "brandy union" (branntweinsteuer-gemeinschaft), pays a tax of M. 96 per hectolitre of pure alcohol.

SECTION 46.—All brandy in free circulation at the date of the passing of these laws is subject to a further tax of M. 0.30 per litre of pure alcohol.

Exempted from this tax are:

1. Brandy for industrial purposes.
2. Brandy in very small quantities.
3. Brandy on which customs dues have already been paid.

## Code of 1st July, 1883.

ANNEX 6.

SECTION 33.—Brandy or spirits may only be retailed by individuals possessed of a proper license. The license is to be refused only:

1. When reasonable proof exists that, if granted, it will conduce to immorality.
2. When the retailer's quarters do not conform to the requirements of the police.

The provincial governments (Landesregierung) are empowered, further, to decree that:

(*a*) The granting of a license to retail brandy and spirits in general, (*b*) the granting of a license to retail wine, beer, etc., in towns of less than 15,000 inhabitants, shall be made dependent on the proof of the existing necessity. Before granting any license the opinion of the local police is to be taken.

SECTION 42*a*.—In case of special necessity the local police is empowered to grant a temporary license to vend spirituous liquors.

SECTION 56*a*.—Travellers are not permitted to solicit orders for brandy and spirits from persons in whose business such brandy and spirits are not employed.

# APPENDIX No. 76.

(*Including pages* 1 *to* 79.)

The following letter was addressed to each of the governors of the states of the United States:—

ROYAL COMMISSION ON THE LIQUOR TRAFFIC,
MONTREAL, 9th May, 1892.

DEAR SIR,—A royal commission has recently been appointed in Canada to investigate and report upon the liquor traffic. The commissioners are instructed, amongst other things, to obtain reliable data on the measures which have been adopted in this and other countries to lessen, regulate or prohibit the traffic, and the result thereof.

On behalf of the commissioners I venture to solicit, through you, information as to legislation in the state having for its object the regulation or total prohibition of the traffic within the state, and the effect of such legislation:

(*a*). On the consumption of intoxicating beverages;

(*b*). In diminishing drunkenness;

(*c*). On the number of criminals;

(*d*). On the number of poor persons requiring to be assisted by state, municipal or other means;

(*f*). On the number of the insane; and

(*g*). On the expenditure of the state generally.

It would also be of service to them if you could cause the commissioners to be informed if there has been at any time serious opposition to the carrying out of such prohibitory legislation as may have been enacted, and if the enforcing of such has led at any time to the incurring of extra expense by the state or district local authorities.

A short summary of past legislation, with a copy of existing laws, would be great service to the commissioners.

Any other information bearing on the subject which you may be pleased communicate will be highly appreciated.

Hoping that you may find it practicable and consistent with the interests of the state to supply the information solicited,

I have the honour to be, dear Sir,
Your very obedient servant,
J. HICKSON,
*Chairman of the Commission.*

The replies which follow have been received:—

KANSAS.

EXECUTIVE DEPARTMENT, GOVERNOR'S OFFICE,
TOPEKA, 19th April, 1863

Mr. J. HICKSON, Chairman,
Montreal, Canada.

DEAR SIR,—Replying to your letter of the 4th inst., I have the honour to submit the document, "Prohibition in Kansas," which I think covers most of the points required in your letter. Trusting this will be satisfactory, I am,

Yours very truly,
L. D. LEWELLING,
*Governor*

STATE OF MAINE.

To the communication of the chairman of the commission to the governor of the state of Maine the following replies were received :—

STATE OF MAINE, EXECUTIVE DEPARTMENT,
AUGUSTA, 7th June, 1892.

Sir JOSEPH HICKSON,
Chairman, Royal Commission on the Liquor Traffic,
Montreal, Canada.

DEAR SIR,—Your official communication concerning the workings and results of prohibition in the state of Maine, made in behalf of the Royal Commission of Canada, duly received by Governor Burleigh.

In the absence of any official statistics on prohibition, I enclose herewith a copy of the governor's inaugural address, which will give his views and recommendations to the legislature touching the prohibitory enforcement; also, copy of the prohibitory law of Main, as amended to date, together with other papers, which I am of opinion will give your commission the desired information.

The state of Maine has for nearly forty years maintained laws which aim at the total suppression of the liquor traffic. It is the deliberate judgment of a large majority of our citizens, and of the chief executive, that prohibition is the wisest policy for our own state. Prohibition has closed every distillery and brewery in Maine. The law has greatly diminished the sale and use of intoxicating liquors; increased sobriety and morality among our people, especially outside of the cities. Wherever public sentiment favours its enforcement it works perfectly.

The governor has directed me to express the hope that your commission may have abundant success in their efforts to curtail the liquor traffic, which is the cause of so much misery and so much poverty; and exceedingly regrets that he is unable to furnish you with statistics on the subject.

Very respectfully,

E. C. STEVENS,
*Private Secretary.*

STATE OF MAINE, EXECUTIVE DEPARTMENT,
AUGUSTA, 8th July, 1892.

Hon. J. HICKSON,
Royal Commission on the Liquor Traffic,
Montreal, Canada.

SIR,—Your official communication, addressed to His Excellency, Edwin C. Burleigh, under date of 17th June, calling for reliable information touching consumption of intoxicating liquors within the state, number of offences committed in violation of the prohibitory laws, etc., duly received. In compliance with your request, and by direction of Governor Burleigh, this office has had correspondence with the several municipal and police judges within the state, for the purpose of obtaining the number of crimes committed within their several precincts, distinguishing those of drunkenness and violation of prohibitory laws from those of other crimes; and I have the honour of enclosing herewith, for your information, their several statements, covering the year 1891.

As there are no statistics giving the information concerning the consumption of intoxicating liquors within the state, the governor would suggest that you correspond with Hon. Neal Dow, of Portland, Maine. Mr. Dow is known as the author and originator of the prohibitory law of Maine, and no doubt he will be able to give you valuable information on the subject, as he has made a study of the workings and enforcement of this law in the state of Maine, and other states.

Very respectfully,

E. C. STEVENS,
*Private Secretary.*

NOTE.—For the extracts from the addresses of Governor Burleigh see appendix No. 169.

The following is a summary of the special reports made to the governor of the state of Maine (Hon. E. C. Burleigh) by sundry municipal and police judges referred to in the correspondence.

FOR THE YEAR 1891.

| | Drunkenness. | Offences against liquor law. | Other offences. |
|---|---|---|---|
| Rockland police court | 253 | 25 | 64 |
| Waterville municipal court | 96 | 108 | 29 |
| Bangor municipal court | 780 | 38 | 147 |
| Hallowell police court | 24 | 15 | 40 |
| Portland city | 936 | 226 | * |
| Old Town municipal court | 202 | | 70 |
| Dexter " " | 3 | | 13 |
| Brunswick " " | 16 | 6 | 34 |
| Bath " " | 127 | 9 | 70 |
| Norway " " | 17 | 40 | 13 |
| Saco " " | 49 | 48 | 48 |
| Auburn " " | 124 | 37 | 91 |
| Westbrook " " | 7 | 5 | 25 |
| Totals | 2432 202 | 557 | 644 |

*Not given.

## NEW HAMPSHIRE.

STATE OF NEW HAMPSHIRE,
OFFICE OF SECRETARY OF STATE, CONCORD, May 23, 1892.

Hon. J. HICKSON,
Chairman of Commission.

DEAR SIR,—In answer to your letter of inquiry to Governor Tuttle, I have forwarded you a copy of the general statutes of this state revised to date, containing all the laws in force in regard to sale of spirituous liquors. This answers fully your inquiry as to the letter of the law.

I am sorry that I cannot answer other interrogatives as fully. The fact is there are no statistics on the subject. In a general way I can say that the laws of this state are similar to the laws of the states of Maine and Vermont, and as Massachusetts grants in some cases a license for sale of spirituous and malt liquors, that code is unlike ours.

The law of this state contemplates total prohibition; of course in towns where public opinion does not encourage it, the law is not uniformly enforced, and sales are made with more or less freedom, but in a majority of the towns of this state the law is enforced and no open, if any, sales are made.

Our statute generally restrains and prevents a general sale; and, as stated, in many places entirely prohibits the sale. The general features of this statute have been the law of this state since 1855.

Very respectfully,
EZRA S. STEVENS,
*Secretary of State.*

NORTH DAKOTA.

STATE OF NORTH DAKOTA,
EXECUTIVE OFFICE, BISMARK, 10th April, 1893.

J. HICKSON, Esq., Montreal.

DEAR SIR,—I have the honour to acknowledge the receipt of your favour of the 5th instant. Governor Shortridge desires me to say that he has caused to be mailed to you under separate cover reports of 1891 and 1892 of the penitentiary and insane asylum. I have handed your letter to the Attorney General, who is a friend to your cause, and will no doubt furnish you with the desired information.

Hoping this will be satisfactory.

I have the honour to be, Sir,
Yours very truly,
ORR SAUNDERS,
*Private Secretary.*

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE, C. M. DUHL, Secretary.
BISMARCK, 15th Jan'y, 1894.

Sir J. HICKSON, Montreal,

DEAR SIR,—In reply to your favour of the 9th instant, I will say that it will be impossible to comply with your request, as we have no such information to furnish, as it is not compiled by any one. None of the state reports give anything of the kind. I am sorry that I am compelled to answer in this way, and would gladly help you if it were in my power.

Yours truly,
C. M. DUHL.
*Secretary of State.*

NOTE.—The request was for a copy of the reports of jails, asylums, etc., and a statement of the total commitments to the common jails for all offences and for drunkenness.

SOUTH DAKOTA.

EXECUTIVE CHAMBER,
A. C. MELLETTE, Governor,
PIERRE, S. D., 23rd June, 1892.

Mr. J. HICKSON,
Chairman, Montreal, Canada.

DEAR SIR,—I have the honour to acknowledge receipt of your favour of the 15th inst. I beg to inform you that Governor Mellette is at present absent from the city for a few days. Upon his return his attention will be promptly called to your request.

I am, very respectfully yours,
A. C. MELLETTE,
By GERTRUDE PATTISON.

SOUTH DAKOTA, EXECUTIVE CHAMBERS,
PIERRE, 11th April, 1893.

J. HICKSON, Esq., Montreal, P. Q.

DEAR SIR,—Replying to yours of 7th April, will say that your letter asking for information is not found in our files, and for that reason I am unable to advise you, but send you under separate cover the report of the state board of charities and corrections, which will probably give you the information you wish.

Should there be anything else regarding which we can serve you, please advise this office.

Yours truly,
T. M. LOOMIS,
*Secretary to Governor.*

STATE OF SOUTH DAKOTA.
DEPARTMENT OF STATE,
PIERRE, 15th January, 1894.

HON. J. HICKSON,
Chairman Royal Commission on Liquor Traffic,
Montreal, Canada.

DEAR SIR,—I am in receipt of your favour of the 8th instant, and in reply I have to inform you that we have no records at hand with which to furnish you the statistics asked for.

Neither could we get it, as no such record is kept within the state.

Yours truly,
H. B. GILLETT,
*Asst. Secy.*

NOTE.—Request was for reports on asylums, Jails, etc., and a statement of commitments for drunkenness.

VERMONT.

HYDE PARK, VT., 17th May, 1892.

J. HICKSON, Esq.,
Chairman of Royal Commission on Liquor Traffic,
Montreal, Que.

DEAR SIR,—By request of the governor, I have the honour to reply to yours of 9th May and say that Vermont has worked under the prohibitory liquor law for about 40 years. It is the opinion of those best versed in the matter that the effect of the law in Vermont has been to decrease the consumption of intoxicating beverages; that it is diminishing drunkenness,and having a marked tendency to diminish crime and lessen the poor expenditure; and that our insane asylums have less inmates than they would have had were it not for the existence and enforcement of the prohibitory law, though in many cases it has failed of a very strict enforcement. No better evidence perhaps of the way in which the people of Vermont look upon the working of our statute and its general good effect can be found than in the fact that it has stood upon the statute books of the state for a good many years, and that every step taken by the legislature since the first enactment of the law has been rather toward a more strict prohibition than otherwise. There has of course been, and there is to day, in certain localities, more or less opposition to the enforcement of the law. In case that the regular elected officers, whose business it is to enforce the law, shall fail so to do, it lies in the power of the executive, on the application of 20 citizens, to appoint a special prosecutor of criminal offences, who may prosecute not only liquor offences but other criminal offences as well. The law in its enactment however had more particularly in view the crimes resultant from the traffic in and the use of intoxicating liquors. The law has been within the last year or two very rigidly enforced at Montpelier, the capital of the state. The May 13th "Free Press," a paper published at Burlington, Vt., gives a list of sentences passed on offenders under this law, showing an aggregate of fines of nearly if not quite $400, with terms of imprisonment ranging from 30 days to 9 months. Within the past few years the legislature has made it discretionary with the judge to imprison for the first offence of "furnishing, selling or giving away" and to fine not less than $10 nor more than $100, whereas the law was $10 for the first offence and no imprisonment except for the third conviction.

I would refer you to the state librarian, Montpelier, for documents referring to this matter.

Very truly,
H. M. McFARLAND,
*Secretary.*

IDAHO.

STATE OF IDAHO, EXECUTIVE DEPARTMENT,
BOISE CITY, 22nd June, 1892.

Sir J. HICKSON,
Montreal, Canada.

DEAR SIR,—I have the honour to acknowledge the receipt of your favour of the 15th inst, relating to the liquor traffic in Idaho and cognate subjects.

I have not the information at hand to answer in detail all your questions. No bureau or person connected with the state government is especially charged with collecting those statistics.

At the last session of the legislature a high license law was enacted, which in all the counties of the state, except one, has been carefully enforced.

I am not advised that there has been any diminution of consumption of alcoholic liquors or decrease of crime or increase of insanity as a result of its enactment and enforcement. The subject is one deserving the attention of a committee of investigation, and I shall so recommend to the next legislature.

I have requested our secretary of state to forward you a copy of the laws of the last session, which contains all the statutory provisions now in force in Idaho of any importance concerning the liquor traffic.

Very respectfully,
NORMAN B. MILLEY.

INDIANA.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, IND., 17th April, 1892.

Hon. J. HICKSON,
Montreal.

DEAR SIR,—Your communication of the 5th inst, just to hand, with it enclosed your letter of 9th May, 1882, addressed to the governor, who at that time was the Hon. Ira J. Chase. What disposition he made of same of course I cannot tell. I have no data at hand by which I can fully inform you as per the interrogatories. Briefly, this state has never had any prohibitory legislation. The liquor traffic is now regulated by stringent laws, and what is termed a high license system. If you desire further information I respectfully refer you to Hon. Eli F. Ritter, of this city, who, I understand, is the chairman of the Indiana anti-liquor organiziation.

Yours respectfully,
CLAUDE MATTHEWS.

DEPARTMENT OF STATE,
INDIANAPOLIS, 15th January, 1894.

To the Chairman,
Royal Commission on the Liquor Traffic,
Montreal, Que.

MY DEAR SIR,—Your favour of the 9th received. I regret to say that we have no records in this office from which we could supply you with the information desired, nor do we know where such could be found.

I am, very respectfully yours,
W. R. MEYERS.

ILLINOIS.

STATE OF ILLINOIS, EXECUTIVE OFFICE,
SPRINGFIELD, 16th May, 1892.

Sir J. HICKSON, Chairman,
Montreal, Canada.

DEAR SIR,—I am directed by the governor to acknowledge the receipt of your communication of the 9th instant, in which you request information as to the legislation in the state of Illinois, having for its object the regulation or total prohibition of the liquor traffic within the state.

There will be sent you to-day a copy of the Revised Statutes of Illinois of 1874, which contain the original "Dram Shop Act" of this state; also a copy of the session laws of 1877, 1883, 1887 and 1891, respectively, which contain amendments to said act, and also new legislation upon the subject.

You also request that information be furnished you as to "the effect of such legislation, (*a*) on the consumption of intoxicating beverages; (*b*) in diminishing drunkenness; (*c*) on the number of criminals; (*d*) on the number of poor persons requiring to be assisted by state, municipal or other means; (*f*) on the number of the insane, and (*g*) on the expenditure of the state generally." On these questions there are no official statistics, and I am unable to give you any information on the subject.

I have the honour to be,
Yours respectfully,
H. G. REEVES,
*Private Secretary.*

MASSACHUSETTS.

COMMONWEALTH OF MASSACHUSETTS,
BOSTON, 12th May, 1892.

Sir J. HICKSON,
Chairman of the Commission to Investigate
and Report upon the Liquor Traffic.

DEAR SIR,—I have the honour, by request of His Excellency the Governor of the commonwealth of Massachusetts, to forward to you reliable data on the measures which have been adopted in this state to lessen, regulate, or prohibit the liquor traffic, and the results attending the operation of the laws.

I am credibly informed by the secretary of the prison commissioners that the crime of drunkenness has increased one hundred and thirty per cent during the last ten years. The reports accompanying this letter will give you the information asked for. S. C. Wright, superintendent of the in-door poor (of the state board of lunacy and charity) states that the legislation of this state in regard to the sale of liquors has no noticeable effect in regard to insanity or the poverty of the people of this state.

The legislature of this state enacted in 1860 a prohibitory law, and provided for the appointment of a special police force for its enforcement. In 1869 the law was changed giving authority to cities and towns to appoint agents to sell spirituous and intoxicating liquors of pure quality. In fact, from the year mentioned, the several legislatures have amended certain provisions of the law.

The law at the present time regulating the manufacture and sale of intoxicating liquors you will find in one of the reports sent.

Respectfully,
RUFUS R. WADE,
*Chief Mass. Dist. Police.*

157 St. James Street,
Montreal, 17th April, 1893.

Col. Rufus R. Wade,
Chief of Massachusetts District Police.

Dear Sir,—You were so good as to send to me, for the use of this commission (see your letter of the 12th May, '92), some very valuable documents relating to crime, and more particularly drunkenness, in the State of Massachusetts. One of these is public document No. 13, which I have perused with very much interest. I am anxious to get at the number of actual convictions in the year 1891, and as I am a little in doubt as to the exact significance of some of the tables in it, I venture to apply to you for information.

Cases arise where a fine is imposed and paid, and with you, as with us, they end there, I suppose. At page 302 of the document the arrests of all kinds are given as 87,114, and at page 325 the prosecutions at 77,553. The difference, I assume, represents cases which are dismissed without being brought to trial. Can you inform me whether this conclusion is correct?

Then at page 326 I notice the number of sentences imposed is put down at 56,299, but to this I think there has to be added some sentences imposed by the higher courts. Can you tell me if such is the case?

In Canada we get a return of convictions, and I desire, if it is practicable, without giving you too much trouble, to ascertain the convictions in Massachusetts.

If the reports for the year 1892 have been published, I would be much obliged for a copy of the document.

Hoping that you will excuse me for troubling you,

I am, dear sir, yours very truly,

J. HICKSON,
*Chairman of the Commission.*

Commonwealth of Massachusetts,
Office of Commissioners of Prisons,
Boston, 24th April, 1893.

J. Hickson, Esq.,
Montreal, P.Q.

Dear Sir,—Your letter of the 17th inst., to the chief of the district police, has been sent to me for reply, and I beg to say, in answer to your questions, that the difference between the number of prosecutions in the lower courts and the number of arrests in Massachusetts in 1891 was caused mainly by the release of persons arrested for drunkenness who were allowed to go from police stations without being brought before the court. Our report does not show the actual number of persons released from station houses, but on page 311 you will find a table of cases investigated by the probation officers. Upon page 296 of the report there is printed an Act relating to the punishment of drunkenness, which contains the authority for the release from the station houses of persons arrested for that offence.

In order to get the whole number of convictions it is necessary to add the sentences imposed in the superior courts, as shown on page 322, to the number in the superior courts, as shown on page 326; and to include also the few cases placed on file and pending for sentence, which are shown on page 322.

In response to your request, we mail to you to-day a copy of our annual report for the year ending September 30, 1892.

I have the honour to be,
Yours very respectfully,

FRED. G. PETTIGROVE,
*Secretary.*

MINNESOTA.

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
ST. PAUL, 24th May, 1892.

Sir JOSEPH HICKSON, Chairman,
Montreal, Canada.

DEAR SIR,—By direction of Governor Merriam, I have the honour to acknowledge the receipt of your letter to him of recent date, in which you requested certain information relative to the effect, etc., of legislation upon the liquor traffic of this state.

I regret very much to advise you that there are no data or statistics bearing on the subject in this state. I have, however, communicated with a gentleman in this city who is deeply interested in the subject matter, and am in hopes that he will be able to furnish some valuable information. As soon as his reply is received the governor will respond to your communication, and will also send you a copy of the laws of this state bearing on the subject.

Yours respectfully,
W. H. ANGELL,
*Executive Clerk.*

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
ST. PAUL, 26th May, 1892.

Sir JOSEPH HICKSON, Chairman,
Montreal, Canada.

DEAR SIR,—In reply to your favour of recent date, in which you asked for information relative to legislation in this state upon the liquor traffic, I have the honour to enclose to you herewith a copy of all the existing laws in this state bearing upon this subject, from which, you will observe, that what is known as the "high license system" is in vogue in this state, and that the license fee in cities of ten thousand or more population is fixed at one thousand dollars, or such fee in excess of said sum as the city council shall prescribe; and that in cities of less than ten thousand population and in country, village or borough, the license fee is fixed at five hundred dollars, or such fee in excess of said sum as the city council of a city, or in case of a county, the county commissioners, of a village or borough, the municipal authorities of such village or borough shall fix and prescribe.

I am unable to furnish you any definite statistics bearing on this subject, but in my opinion there can be no question but that high license reduces the consumption of intoxicating beverages, and so diminishes drunkenness, resulting further in a less number of criminals, of paupers, of insane, and so of all public expenditures of every class. The statistics in this state, however, with reference to crime, pauperism and insanity, could not be directly shown, for two reasons: first high license laws have not been in operation long enough to show so marked an effect as to enter into our public statistics; second, there are, besides drunkenness, so many concurrent causes of crime, pauperism and insanity, that the student of sociology is very careful not to attribute a specific increase or diminution to some specific cause without being quite certain that no other causes have been active during the same time. One thing is certain, viz., that the number of liquor saloons have been largely decreasing in Minnesota by reasons of the adoption of the high license and bond laws, and the liquor traffic would be very glad to be relieved from the burden. License, therefore, tends to diminish drunkenness and the prosperity of the liquor traffic in all countries. Prosperous liquor traffic means full jails, almshouses and asylums.

A comparison of statistics between different states of the union which have different laws respecting the liquor traffic, as to crime, pauperism, illiteracy and insanity, would have no practicable value, in my opinion, as a guide to the legislation of any country, for the reason that climate, occupation, large centres of population

and quality of population enter perhaps more largely as factors into the social conditions than the drinking habits of the people; for example, the Scandinavian population, which is very large in this state, furnish a very much larger share than their fair proportion to the insane population, but I think it would be agreed that they are by no means the most intemperate class.

All circumstances regarding this vital subject must be studied most exhaustively, including, especially, a comparison of the different strains of foreign population that enter into the different commonwealths.

With great respect,
I am, yours very truly,
WILLIAM MERRIAM,
*Governor.*

MINNESOTA.

SECRETARY OF STATE,
ST. PAUL, 29th January, 1894.

J. HICKSON, Esq.,
Montreal.

SIR,—I have the honour to transmit you a letter from the secretary of board of correction and charities of this state, in answer to yours of the 8th instant in regard to the liquor traffic.

I am unable to furnish you any printed report, as none has been issued.

Respectfully yours,
F. P. BROWN,
*Secretary of State.*

BOARD OF CORRECTIONS AND CHARITIES,
STATE CAPITAL, SAINT PAUL, MINN.,
27th January, 1894.

Hon. F. P. BROWN,
Secretary of State.

DEAR SIR,—I return herewith the inquiry of the royal commission on the liquor traffic, which I have answered as far as I can find any data.

So far as I am aware, there are no statistics of the commitment for drunkenness to the common jails, and I cannot learn that there are any reliable statistics for the amounts received for liquor licenses. It could only be obtained by writing to the city clerks and the village recorders of all the cities and villages of the state, and also to the county auditors to obtain statistics of those cases where licenses are granted by counties.

I enclose herewith an abstract from the attorney general's summary of reports from county attorneys of cases tried in district and municipal courts, but I think that these statistics will be entirely valueless, for the reason that they cover only such cases in the municipal courts as come under the supervision of the county attorneys, whereas the great majority of these cases are tried by municipal attorneys and do not come under the cognizance of county attorneys. These also include most of the cases of drunkenness and violation of liquor licenses.

I regret that I am unable to furnish more satisfactory answers to these inquiries.

Very respectfully,
Your obedient servant,
H. H. HART,
*Secretary.*

STATEMENT showing total number of commitments to county jails for all offences, total number for drunkenness, and total number for breaches of the liquor laws, for the five years ending 31st December, 1892.

STATE OF MINNESOTA.

| Year. | Commitments for all offences. | Commitments for drunkenness. | Commitments for breaches of liquor laws. |
|---|---|---|---|
| 1888 | 3,088 | ..... | ..... |
| 1889 | 3,572 | ..... | ..... |
| 1890 | 5,554 | ..... | ..... |
| 1891 | 4,074 | ..... | ..... |
| 1892 | ..... | ..... | ..... |

REMARKS.

Commitments to city and village lockups:

| | |
|---|---|
| 1889 | 20,281 |
| 1891 | 19,805 |

ATTORNEY GENERAL'S REPORT.

ABSTRACT of reports on County Attorneys.

| Year. | —— | In district courts. | In municipal and justices' courts. | Totals. |
|---|---|---|---|---|
| 1888 | Total number of cases | 677 | 1,118 | 1,795 |
| | Violation of liquor laws | 135 | 55 | 190 |
| | Drunk and disorderly | ..... | 20 | 20 |
| 1889 | Total number of cases | 976 | 1,052 | 2,028 |
| | Violation of liquor laws | 154 | 30 | 184 |
| 1890 | Total number of cases | 560 | 1,549 | 2,109 |
| | Violation of liquor laws | 126 | 229 | 355 |
| | Drunkenness | ..... | 221 | 221 |
| 1891 | Total number of cases | 1,053 | 2,488 | 3,541 |
| | Violation of liquor laws | 103 | 182 | 285 |
| | Drunkenness | ..... | 410 | 410 |

NEBRASKA.

STATE OF NEBRASKA, LINCOLN,
EXECUTIVE DEPARTMENT,
14th April, 1893.

Hon. J. HICKSON,
Montreal, Canada.

DEAR SIR,—I am in receipt of your letter of the 6th instant asking certain information respecting the liquor laws of the state and the operation thereof. I have referred your letter to the deputy commissioner of labour and industrial statistics of this state, with the request that he supply, as far as possible, the information desired by you.

Very truly yours,

L. CROUNSE,
*Governor.*

STATE OF NEBRASKA,
BUREAU OF LABOUR AND INDUSTRIAL STATISTICS,
LINCOLN, NEB., 19th April, 1893.

J. HICKSON, Esq.,
Montreal, P. Q.

DEAR SIR,—Yours of the 6th to His Excellency the governor of the state of Nebraska was referred to this office. In regard to the liquor traffic of this state, I have commenced the investigation, and as soon as completed, will forward you the information required as nearly as possible.

Very respectfully,
PHILIP ANDRES,
*Deputy Commissioner.*

ROYAL COMMISSION ON THE LIQUOR TRAFFIC,
157 ST. JAMES STREET,
MONTREAL, 20th Apil, 1893.

MR. PHILIP ANDRES,
Deputy Commissioner of Statistics, Lincoln, Neb.,

DEAR SIR:—I beg to acknowledge the receipt of your letter of the 19th instant for which I am much obliged.

I anticipate the pleasure of hearing from you again with statistics and further information bearing upon the liquor traffic in the state of Nebraska.

Believe me, yours faithfully,
J. HICKSON,
*Chairman.*

STATE OF NEBRASKA, BUREAU OF
LABOUR AND INDUSTRIAL STATISTICS.
LINCOLN, NEB., 12th January, 1894.

Sir J. HICKSON,
Montreal, Canada.

SIR,—Your letter of 8th January, 1894, enclosing blank, and addressed to the Secretary of State, has been referred to me.

Replying, I have to state that if my predecessor, Mr. Phillip Andres, began an investigation of the liquor traffic or liquor laws of the state, he failed to complete same. At least it does not appear in his report, which probably accounts for his failure to make good his promise to you.

The question will be fully covered in my forthcoming report, which, however, will not be ready for distribution before the end of the present year. Should I be able sooner to fill and return your blank, I will do so, and in the meantime have placed you on mailing list for copy of report.

Yours truly,
J. B. ERION,
*Deputy Commissioner of Labour, and Industrial Statistics.*

STATE OF NEBRASKA, SECRETARY OF STATE.
LINCOLN, 19th March, 1894.

HON. PAT. MONAGHAN,
Secretary, Montreal, Canada.

DEAR SIR,—Your favour of the 15th instant received.

Replying, would say we have what is known as the "Slocum Law" local option. I know of but one county in the state, York, where this law is in force.

I enclose herewith abstract of vote for year 1890. This gives the vote by counties on the amendment,

Very truly,
JOHN C. ALLAN,
*Secretary of State,*

By C. C. CALDWELL,
*Deputy.*

NEBRASKA.

Abstract of votes cast at the general election on the 4th day of November, 1890, "For" and "Against" the amendments to the constitution.

| | |
|---|---|
| For prohibition | 82,292 |
| Against prohibition | 111,728 |
| For license | 75,462 |
| Against license | 91,084 |

ARKANSAS.

STATE OF ARKANSAS, EXECUTIVE OFFICE,
LITTLE ROCK, May 17, 1892.

Sir JOSEPH HICKSON,
Chairman of Royal Commission on the Liquor Traffic,
Montreal, Canada.

DEAR SIR:—Yours of the 9th inst. making inquiry as to legislation in the State of Arkansas for the regulation of total prohibition of the traffic of spirituous liquors, was duly received.

I called on the Hon. Secretary of State—who is the distributor of all public documents—in order to secure and forward to you copies of existing laws etc., and was informed by him that your public library of Montreal had already been furnished with the same. This being the case you will not need additional copies. If you find anything short, after looking through the library, we will take pleasure in supplying it upon receipt of notification.

For answer to your other questions, your letter has been referred to Dr. Z. T. Bennett, this city, who will likely answer same.

Yours very truly,
JAMES P. EAGLE,
*Governor.*

By K. M. ALTHAM,
*Private Secretary.*

CALIFORNIA.

EXECUTIVE DEPARTMENT,
SACRAMENTO, CAL., 10th April, 1893.

J. HICKSON, Esq.,
Montreal, P. Q.

DEAR SIR:—In the absence of the Governor, I acknowledge receipt of your letter enclosing copy of your letter of 9th May, 1892, in regard to the liquor traffic in California. The sales of liquor are affairs of the counties, they having the right to adopt ordinances concerning sales, of which this office has no knowledge.

Yours very truly,
M. R. HIGGINS,
*Private Secretary.*

CALIFORNIA.

DEPARTMENT OF STATE,
SACRAMENTO, 15th Jany, 1894.

Sir JOSEPH HICKSON,
Montreal.

DEAR SIR,—In reply to your circular dated the 9th inst., I have to say there are no data in this office from which to fill the form enclosed with the circular.

The commitments for offences against the laws are matters of local concern, and neither counties or cities report commitments to any state office. Sentences to the state prisons and reformatories only are officially known by the state government.

Doubtless a knowledge of the number of commitments would be startling and productive of good, especially for drunkenness, and violation of liquor laws, but that knowledge is not readily to be obtained.

Very truly,
E. G. WAITE,
*Secretary of State.*

COLORADO.

STATE OF COLORADO, EXECUTIVE OFFICE,
DENVER, 17th May, 1893.

J. HICKSON, Esq.,
Montreal, Canada.

MY DEAR SIR,—Your communication of 14th April, 1893, in relation to the Colorado liquor laws was duly received. Press of important official matters delayed its ackdowledgement.

In reply, the governor directs me to say that in this state no laws have been enacted prohibiting the sale of liquor except those in relation to Sunday closing, and selling to minors, and habitual drunkards. Regulative laws are limited to issuing licenses. These matters are under the control of the county commissioners of the several counties, or of the police machinery in cities, and incorporated towns. The liquor laws, when enacted, are published only in the session laws of that year, and there is no provision by which those laws may be sent to your commissioners. I, however, transmit at your request, late reports by the boards of control of the penitentiary and reformatory, and by the state board of charities and corrections. There are no reports known of in relation to the effect of liquor drinking on the morals and welfare of our people. Regretting that the information given is so limited,

I am, sir, yours respectfully,
M. LORENTZ,
*Private Secretary.*

DENVER, 15th January, 1894.

Mr. J. HICKSON,
Montreal.

DEAR SIR,—In reply to yours of 9th January, will say, that the statistics which you desire, it will be impossible for me to ascertain, as there is no report made by county officials to the state department, relative to the questions named.

Yours very truly,
NELSON O. McCLEES,
*Secretary of State.*

NOTE.—The request was for a copy of reports on jails, &c., and a statement of the commitnents to the common jails for all offences and for drunkenness.

FLORIDA.

STATE OF FLORIDA, EXECUTIVE DEPARTMENT,
TALLAHASSEE, June 1, 1892.

SIR JOSEPH HICKSON,
Montreal, Canada,

DEAR SIR:—Your favour of the 19th ult., making inquiry in reference to the laws of this state, of the present and past, in regard to the traffic and sale of liquor, the effect of such legislation, etc., was duly received. I have delayed a reply to gather some statistics.

In reply to your inquiry I would state that up to 1883 liquor was sold simply upon the payment of a license tax; at that time an Act was passed prohibiting the sale of intoxicating liquors, except a person desiring to sell the same should procure a petition signed by a majority of the registered voters in the election district of the county in which such application should be made, and also providing for the publication of such petition. Upon the presentation of such petition to the county commissioners, they were authorized to permit the applicant to sell liquor upon the payment of the license tax. The statute also prohibited the sale of intoxicating liquors to any minor or person in a state of intoxication. The license tax at that time was $300.00 to the state, and the county was also authorized to collect a license of $150.00, and the city or town in which the liquor seller might be, a similar tax of $150.00. The state license was increased in 1887 to $400.00 and the city and county license proportionately. In 1889 the state license was increased to $ 00.00 and the city and county proportionately. In 1886 a new constitution was adopted by the state, one feature of which provided for local option in the selling of liquor—that is, permitting each county by a vote to decide whether or not liquor should be sold therein. I enclose you a copy of such provision. The ensuing legislature of 1887 passed an Act in accordance with the constitutional provision providing the machinery for such elections, etc. In pursuance of such laws, elections were held in 1887 in some 18 of the 45 counties of this state, in 16 of which the result was in favour of prohibition of the sale of liquor; in 10 of which prohibition has been removed by subsequent elections. Two other counties have prohibited the sale of liquor since 1887, so that at the present time there are eight counties in which the sale of liquor is prohibited, 26 in which licenses to sell have been issued and 11 where, though not prohibited, no licenses are issued, the petition, as hereinbefore stated, being requisite to procure a license. The high license in some of the sparsely settled counties operates as a prohibition.

I am impressed that it is the opinion of the majority of our people, including those who are earnestly desirous of the promotion of temperance, that the experiment of prohibition in this state has generally proved to be a failure; and that in many of the counties which prohibited the sale, there was as much liquor sold clandestinely and as much drunk as before prohibition.

Where a license system prevails, there is but little temptation to sell in violation of the law; but the profits of the sale of liquor are such that to supply those desirous of procuring it, the temptation is great to sell clandestinely when the law prohibits, even at the risk of conviction, which is generally difficult. The trials in such cases frequently develop deceptive methods and the betrayal of confidence in the efforts to procure testimony to convict. There is no doubt that the closing of bar-rooms in "dry counties" removes convenient places for gratifying the appetite for intoxicating liquors; but, on the other hand, there are not a few instances where persons cut off from such sources, procure liquor by the quantity in consignment from places where the sale is not prohibited, keep it at home and drink more than before.

With every desire for the promotion of temperance I favour the system of high license, with reasonable restrictions and regulations as to the sale, rather than prohibition.

Very truly and respectfully,
F. P. FLEMING.

TALLAHASSEE, 6th June, 1892.

Sir JOSEPH HICKSON,
Montreal, Canada.

DEAR SIR,—With my letter to you a few days ago I omitted to enclose you the article of our constitution in reference to prohibition. Please find the same transmitted herewith.

Yours truly,
F. P. FLEMING.

GEORGIA.

STATE OF GEORGIA, EXECUTIVE DEPARTMENT,
ATLANTA, GA., 10th April, 1893.

Hon. J. HICKSON,
Montreal, P. Q.

MY DEAR SIR,—I regret that I am not able to give you full information upon the matters of enquiry contained in your letter of the 6th inst.

We have no state law prohibiting the sale of spirituous liquors in Georgia. We have a general local option law for the state, applicable to such localities, counties, as vote upon the question. Before this general law was enacted, we had the sale of whisky prohibited in many counties by local enactment.

We have 137 counties in this state. The sale of liquors under the provisions above named is prohibited in more than one hundred of these counties. This prohibition does not cover any county in which is located a large city.

Our laws are scattered throughout the legislation of so many years that it would not be possible for me to send them to you except at great expense.

I forward under separate cover, reports from our state penitentiary and lunatic asylum.

Truly, etc.,
W. J. NORDKIN,
*Governor.*

STATE OF GEORGIA.

SECRETARY OF STATE'S OFFICE,
ATLANTA, GA., 12th January, 1894.

Sir JOSEPH HICKSON,
Montreal, Canada.

Each of the 137 counties in this state have its own municipal regulations as to liquor license and arrests for drunkenness and minor offences, and none of these offences or commitments are reported to the state authorities.

Respectfully,
PHILIP COOK,
*Secretary of State.*

KENTUCKY.

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, 14th May, 1892.

J. HICKSON, Esq.,
Montreal, Canada.

SIR.—Replying to yours of 9th inst., asking certain questions concerning legislation in Kentucky on the liquor traffic, I am directed by the governor to say that up to this time efforts in this direction have been only in the way of local laws affecting certain designated districts, and by a general law by which each magisterial district may, at stated periods, by a vote of a majority, prohibit the legal sale of liquors within such district. These local or special bills, by which the liquor traffic is regulated in designated localities, are printed in the session Acts extending through a number of years, but are not incorporated in the general statutes, and hence an accurate list of the counties coming within the provisions of such laws cannot be obtained without great trouble, but it is estimated that in about one third in area of the state no whisky is sold, except surreptitiously and in violation of the law.

There are no reliable statistics obtainable on the other points in your letter.

Yours very truly,
ARCH. D. BROWN,
*Private Secretary.*

MICHIGAN.

DEPARTMENT OF STATE, MICHIGAN,
LANSING, 12th May, 1892.

Sir JOSEPH HICKSON,
Montreal, Canada.

DEAR SIR,—In answer to your esteemed favour of the 9th to His Excellency the Governor, relating to the liquor traffic, would say that we have no statistics from which we can answer your questions A, B, C, D, E, F, G, as our prohibition law which is in effect was not enacted until 1889, and only five counties have put it into effect, and four of these within the last few months. The first county to adopt it had considerable trouble in enforcing the law, as its officers were not in sympathy with the measure, but have since got the matter well in hand and are carrying out the law to the entire satisfaction of the people who favour it.

We send you, under separate cover, copies of our liquor law regulating the manufacturing and sale, and also prohibitory law for counties.

Very respectfully yours,
ROBERT R. BLACKER,
*Secretary of State.*

MISSISSIPPI.

STATE OF MISSISSIPPI, EXECUTIVE DEPARTMENT,
JACKSON, 23rd July, 1892.

Hon. J. HICKSON,
Chairman Commission,
Montreal, Canada.

DEAR SIR,—You sometime since requested information as to legislation in the State of Mississippi, having for its object the regulation or total prohibition of the liquor traffic, and the effect of such legislation.

I regret that I cannot give you any thing like an accurate reply, for the reason that the necessary data is not attainable, no statistics being kept in the state.

For many years we have had a license law in Mississippi, under which liquors were sold in quantities less than one gallon. Licenses were granted by local authorities upon a petition signed by a majority of the qualified electors of the city or town, or of supervisors district if the licenses were not to be within an incorporated town.

During the last twenty years we have had much legislation on the subject; so much, indeed, that it is impracticable to furnish you with the laws. There have been many local prohibitory laws enacted, and the sale is prevented in many counties under what is called the "local option law," by a vote of the electors of the county.

The present laws of the State, or rather the provisions of a new Code which takes effect 1st November, 1892, authorize the Boards of County Supervisors to grant license to persons resident in their respective counties, and not within a city, town, or village, for a sum not less than six hundred dollars, for a period of twelve months.

The corporate authorities of cities, towns and villages may grant license for twelve months for the sum of not less than six hundred, nor more than two thousand five hundred dollars. But no such license shall be granted unless a majority of the qualified voters of the district, city, town or village sign a petition for the license. Heavy penalties are imposed for selling on the Sabbath day, or to minors, or to intoxicated persons, or to habitual drunkards.

I will answer your questions as best I can with the lights before me, as follows.

(*a*) There has been a gradual decrease in the sale and use of intoxicating liquors.

(*b*) There has been a marked diminution in drunkenness.

(*c*) The number of criminals has been very greatly reduced.

(*d*) There is no perceptible change in the number of poor persons requiring to be assisted by the state, municipality or other means.

(*e*) The malady of insanity continues to increase, notwithstanding the reduction in the use of liquor.

(*f*) The expenditures of the state have been reduced in the same ratio that crime has been reduced.

I regret that I cannot answer you more definitely, but it would require more time and labor than I am prepared to bestow upon it at this time.

With great respect, I am,
Your obedient servant.

J. W. STONE,
*Governor of Mississippi.*

MONTANA.

HELENA, MONTANA, 22nd June, 1892.

Hon. J. HICKSON,
Montreal, Canada.

DEAR SIR,—I am in receipt of your letter of the 15th instant, soliciting certain information respecting the regulations of the liquor traffic, the consumption of intoxicating beverages, a number of criminals, insane, etc.

I find it impracticable to furnish the information desired at this time. I am, however, having prepared the first reports of the several boards entrusted with these matters, and hope to have the same ready for distribution on or before December first next. When this is done I shall be glad to forward you same, and hope that it will reach you in time to serve your purposes.

Very respectfully,
JAS. K. TOOLE,
*Governor.*

STATE OF MONTANA, GOVERNOR'S OFFICE,
HELENA, 28th April, 1893.

Mr. J. HICKSON,
Montreal.

DEAR SIR,—Your letter of April 6th, addressed to Ex-Governor Toole, has been placed in my hands for reply by the present Governor, His Excellency J. E. Rickards. Mr. Toole does not recall having written you as quoted relative to reports on the liquor laws of this state. There are no such Boards in this state as referred to in your letter. So far as liquor laws are concerned we have a general license law regulated by municipalities. Saloons run wide open night and day, Sunday included. While there is a great deal of drinking there is very little drunkenness, and any one in an intoxicated condition is promptly arrested and fined. I can give you no statistics relative to this question as none have been gathered officially.

I am with respect,
Your very truly,
(Sgd.) A. B. KEITH,
*Private secretary to the Governor.*

TEXAS.

DEPARTMENT OF STATE, STATE OF TEXAS,
AUSTIN, 1st July, 1892.

Hon. J. HICKSON, Montreal, Canada.

DEAR SIR,—Your favour addressed to His Excellency the governor of Texas, has been referred to this department.

You are respectfully advised that this state has no prohibitory legislation experience, or statistical data relative to the effect of intoxicating drinks.

The only laws of the kind in force in this state, are our laws which give to counties and subdivisions of counties, the right—by election for such purposes—to have local option; that is to decide that, within certain localities, intoxicating drinks shall not be sold.

I am, very respectfully,

J. R. CURL,
*Chf. Clk. Act'g Secretary of State.*

VIRGINIA.

COMMONWEALTH OF VIRGINIA,
RICHMOND, Va., 28th June, 1882.

J. HICKSON, Esq.,
Chairman of Royal Commission on Liquor Traffic.

DEAR SIR,—Your favour of the 25th instant was duly received by the governor and referred to me for reply.

The Code of Virginia, 1887, under the heads "Liquor" and "Local Option" gives our legislation upon these subjects. Copies can be had at any bookseller or public library.

We have no statistics by which it is possible to give answers to your interrogatories. Were it in our power, all the information solicited would be given.

Very truly yours,

R. CARTER SCOTT,
*Ass't Att'y General.*

VIRGINIA, OFFICE OF SECRETARY OF THE COMMONWEALTH,
RICHMOND, Va., 10th January, 1894.

Mr. J. HICKSON,
Chairman, 157 St. James street,
Montreal.

DEAR SIR,—There is no report of the commitments to the common jails of the State of Virginia, printed or otherwise, showing the commitments for drunkenness or other offences.

The only way to get such information is by application to the clerks of the various county and corporation courts of the state, as such records are kept solely by them.

Regretting that I am unable to furnish you such information from this or any of the state departments.

Very truly yours,

J. T. LAWLESS,
*Secretary of Commonwealth.*

WASHINGTON.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, 29th June, 1892.

Hon. J. HICKSON.
Chairman, Montreal, Canada.

DEAR SIR,—I have the honour to acknowledge the receipt of your communication of the 15th instant, asking for information and statistics in regard to the liquor traffic in this state.

The license system was in force during the entire period of territorial existence in Washington, and has been continued since the organization of the State government. The fees for license, both in municipalities and outside thereof, are determined by the municipalities themselves, and the county commissioners outside of the municipalities; hence there is no uniformity in this particular. The license fee ranges from $300 to $1,000.

It is impossible for me to give you the information requested under (*a*), (*b*), (*c*), (*f*) and (*g*) as there are no statistics in existence which will enable me to give this information.

At the time of the adoption of our state constitution the question of prohibition was submitted to a popular vote of the citizens of the state. The result was as follows:—For prohibition, 19,546; against, 31,487. Majority against, 11,914.

Enclosed, I hand you copies of all existing laws upon the subject.

Very truly yours,

ELISHA V. FERRY.

STATE OF WASHINGTON.

STATE OF WASHINGTON,
OFFICE OF
SECRETARY OF STATE.

J. H. PRICE,
Secretary of State.
BRAD. W. DAVIS,
Chief Clerk.

OLYMPIA, 19th January, 1894.

Mr. J. HICKSON,
Chairman Royal Commission on the Liquor Traffic,
Montreal.

SIR,—Your favour of the 8th instant at hand. In reply I beg to say that I am unable to give you all the information called for in the letter and its accompanying blank.

The state receives from the incorporated cities and towns ten per centum of the gross amount collected by such cities and towns for licenses granted for the sale of all intoxicants. The amount received by the state for the last year was $36,240.51.

Licenses for the sale of liquors outside incorporated cities and towns are granted by the boards of county commissioners of the several counties of the state, from which no direct revenue accrues to the state. No report is made to any state department of the amount thus received by the counties.

The license fee ranges from $300 per annum to $1,000. The amount to be charged per annum is fixed by the municipal and county authorities within the sums named above, nor do they report the amount to be collected to any of the departments.

I am unable to fill the blank submitted, having none of the reports of the several institutions named. I am, sir,

Very respectfully,

BRAD. W. DAVIS,
*Chief Clerk and Acting Secretary of State.*

The form referred to is annexed.

## CONNECTICUT.

STATE OF CONNECTICUT,
EXECUTIVE DEPARTMENT, HARTFORD, 18th April, 1893.

Hon. J. HICKSON,
Montreal, Can.

DEAR SIR,—The governor directs me to acknowledge the receipt of your letter of the 4th instant enclosing copy of one sent a year ago, which must have been received previous to our administration.

We send you by this mail copy of our liquor law as contained in our revised statutes, also the public acts of 1889, together with the reports of the State prison and hospital for the insane.

We have no public documents containing the answers to the other questions you ask.

Trusting these may prove of some value,

I have the honour to be,
Yours respectfully,
SEYMOUR C. LOOMIS,
*Executive Secretary.*

## DELAWARE.

STATE OF DELAWARE, EXECUTIVE DEPARTMENT,
DOVER, DEL., 24th Nov., 1893.

J. HICKSON, Esq.,
Montreal.

DEAR SIR,—We have what may be termed a high license law in this state. It has been in force for five years, and its practical results seem to be satisfactory.

Information respecting the increase or decrease of drunkenness could probably be obtained by addressing Mrs. Nathaniel Smithers, of Dover, Delaware.

Yours truly,
ROBERT J. REYNOLDS,
*Governor.*

[A letter was addressed to Mrs. Smithers, but no reply was received. In response to a request for information in regard to commitments to the common jails, etc., of the state, the following further letter from Governor Reynolds was received.]

STATE OF DELAWARE, EXECUTIVE DEPARTMENT,
DOVER, DEL., 13th Jan., 1894.

J. HICKSON, Esq.

MY DEAR SIR,—We have no reports of lists of criminals in Delaware. Address Judge Frank Ball, Wilmington, Del.; superintendent at Farnherst, Del.; overseer at county almshouse, Farnherst, Del.; overseer county almshouse, Wyoming, Del.; overseer county almshouse, Georgetown, Del.; Pierce Gould, sheriff, Newcastle, Del.; Albert Dunn, sheriff, Dover, Del.; John H. Smith, sheriff, Georgetown, Del., and the combined reports of these officials will give you the information you desire and which will include the criminals, lunatics and paupers.

Yours truly,
ROBERT J. REYNOLDS.

## NEVADA.

STATE OF NEVADA, EXECUTIVE DEPARTMENT.
CARSON CITY, 22nd June, 1892.

Sir J. HICKSON,
Montreal.

DEAR SIR,—I mail you to-day public documents from which you may glean some of the information asked relating to the liquor traffic question.

Cannot supply you with copies of laws on this subject as they are bound in our general statutes, but we have laws prohibiting sale of liquors to Indians, to minors, to imbeciles, and requiring hotels and saloons to close all bars at 12 m. Also a law requiring the public schools to teach the effects of intoxicants and narcotics. We also had an anti-treating law, but it was repealed because of non-enforcement. The 12 o'clock closing law has been bitterly fought and contested in courts. It was upheld by Supreme Courts and at last legislature its repeal was passed, but Gov. Calcord vetoed it and his veto was sustained by a small majority. It has materially aided in securing a reduction in the number of criminals.

Respectfully,
E. D. VANDERHETH,
Private Secretary.

## RHODE ISLAND.

STATE OF RHODE ISLAND, EXECUTIVE DEPARTMENT,
PROVIDENCE, 24th May, 1892.

Sir JOSEPH HICKSON,
Montreal, Canada.

SIR,—Governor Ladd requests me to acknowledge for him your favour of 9th May on behalf of your commission, and I have this day forwarded to your address a copy of our existing liquor laws together with the last report of our Board of State Charities and Corrections. The latter report furnishes criminal and charitable statistics, but the relation of these to liquor legislation is a matter of controversy rather than of statistics.

In 1886 a prohibitory amendment was engrafted on our constitution by a popular vote of 15,113 for, to 9,230 against. In 1889 this amendment was annulled by a vote of 28,315 to 9,956. The strong popular support for the repeal of the prohibitory amendment (outside either the liquor trade or the political prohibitory party), was due to a prevailing belief from the experiences of a three years' trial that the traffic in intoxicating beverages was only partially controlled thereby, and that the necessary effort and expense, due to costly official supervision and loss of revenue from license fees, were somewhat out of proportion to the results achieved. The existing law permits of local option, and since its passage, following the repeal of the prohibitory constitutional amendment, has been subject to remarkably little criticism, either from the liquor trade, or the citizens generally who seek to control the traffic rather than suppress it altogether.

Under the present act the state acquired from license fees in 1891 nearly $100,000, the total amount secured from the traffic being $400,000,—three fourths of which went to the cities and towns.

I have the honour to be, sir,
Your obedient servant,
CHARLES H. HOWLAND,
*Executive Secretary.*

Of the 36 towns in the state, 16 are under "no license" local prohibitory laws at present and the local control is believed to be satisfactory.

C. H. H.

WEST VIRGINIA

STATE OF WEST VIRGINIA,
EXECUTIVE CHAMBER, CHARLESTON, 16th May, 1892.

Sir JOSEPH HICKSON, Montreal.

DEAR SIR,—In response to your favour of the 9th, Governor Fleming directs me to say that in the absence of any statistics on the subject, he is unable to supply you with any information as to the effect of state legislation on the liquor traffic, etc., etc., that at no time have prohibitory laws been enacted by our Legislature; that those at present in force (copies of which are enclosed) are local option laws, and are substantially the same as have been in force since the formation of our state; and that the question of prohibition within the limits of a municipality or county is left to the corporation itself.

I have the honour to be,
Very respectfully yours,
JAMES W. EWING,
*Private Secretary.*

STATE OF WEST VIRGINIA.

EXECUTIVE CHAMBER, CHARLESTON,
January 16, 1894.

To the Hon. J. HICKSON,
Montreal, Canada.

ESTEEMED SIR,—I have your favour of 6th January, and beg to say in reply that I regret exceedingly that it will be impossible for me to give you the statistics asked for. I find that there are no reports made to any department of our state government giving the information you desire. These are matters which can only be obtained from the clerks of the various circuit courts in the state, and there are fifty-four such officers in the state.

I regret the delay in replying to your communication, but said delay was occasioned by the fact that your letter went to Charleston, South Carolina, before it reached this city.

If I can be of any service to you in any other way, command me.

With the assurance of my highest esteem, I beg to remain,

Yours very respectfully,
J. B. WHITE,
*Private Secretary.*

STATE OF SOUTH CAROLINA

In response to the letter addressed to the governor of this state, the following communication was forwarded without comment:—

State Prohibition Executive Committee.

Columbia, S. C., 15th September, 1892.

To His Excellency Gov. R. B. TILMAN, Columbia, S. C.

DEAR SIR,—I have received your note conveying a communication from the Royal Commission "Appointed in Canada to investigate and report upon the liquor traffic" in which they ask certain information respecting "legislation in the State of South Carolina having for its object the regulation or total prohibition of the traffic within the state &c."

While it would afford me great pleasure to aid in any degree, the worthy object had in view by the Commission, the scope of the enquiry is so extended and would require so much time to give anything like an intelligible or available answer that I am prevented from the pressure of other duties from undertaking it.

As you are aware, statistics on the points embraced in the enquiry are no where attainable in this state there being no department of our government charged with their collection and collation, and no provision of law which imposes the duty of doing this on any public officer. The only source of information on the subject, that I am aware of, is the United State Census Report from a study of which the commission might obtain some general knowledge on the points involved as they relate to this state, but nothing exact even there. The entire law regulating the liquor traffic in this state is to be found in Gen. Statutes, chap. LV, sections 1731 to 1753 inclusive. In it the principle of local option and prohibition are both applied, the former to the traffic in cities, towns and villages having charters, the latter to all the territory of the state outside of such municipalities.

As to that portion of the enquiry which is matter for opinion, I think there can be no reason to doubt that the existing prohibition of the sale of intoxicating liquors outside of incorporated places has had the effect of diminishing the consumption of intoxicants, and consequently of drunkenness, crime and pauperism to an extent at least as great as in the most favoured states where prohibition prevails. But little, if any, expense has been incurred by the state or county authorities in enforcing the prohibition, because there is no disposition manifested on the part of those engaged in the traffic to risk the penalties against illicit selling, as the diminished demand from the county can be easily supplied by the towns and cities where its sale is authorized by law. The great advantage gained by the operation of our prohibitory law is that the gratification of the appetite for strong drink is made more difficult by the removal of it from every cross-road and neighbourhood to the cities and towns at a distance, and the rural population—our agricultural labourers—thus constrained to bridle their appetites, have been gradually educated into habits of abstinence, industry and thrift, which largely contribute to the general peace and prosperity of the state.

This influence of the law as an educator is strikingly shown by the result of the election just held by the white voters of the state—constituting the Democratic party—on the proposition definitely presented, to extend prohibition over the whole state. Over 70,000 votes were cast on the question out of a total vote of about 88,000, and of this a majority of 10,000 favoured the measure. This after the partial prohibition has been in operation for ten years seems to me a very conclusive declaration that the people are satisfied with prohibition as far as it has gone, and believe it will do to extend its operation over the whole state.

Very respectfully
L. D. CHILDS.

OHIO.

BOARD OF STATE CHARITIES.
COLUMBUS, O., 16th May, 1892.

J. HICKSON,
Montreal, Canada.

DEAR SIR,—Yours of the 9th inst., addressed to Governor McKinley, has been received, and referred to this office for answer.

I have in turn referred the same to Dr. H. A. Thompson, chairman of the Prohibition State Executive committee.

We have no data in this office from which to give you the information asked for.

Yours very truly
JAMES P. BYERS.
*Clerk.*

BOARD OF STATE CHARITIES,
COLUMBUS, O., 16th June, 1892.

J. HICKSON, Esq., Montreal, Canada.

DEAR SIR,—Yours of the 14th is at hand. I regret to say that there has been no compilation of the laws of Ohio in regard to the liquor traffic. Will communicate with Dr. Thompson again, and ask him to forward to you any information he has on the subject.

Yours respectfully,
JAS. P. BYERS,
*Clerk.*

BOARD OF STATE CHARITIES,
COLUMBUS, O., 7th July, 1892.

J. HICKSON, Esq., Montreal, Canada.

DEAR SIR,—Owing to my absence from the state, yours of June 21st has not been heretofore acknowledged. I will send you, in the course of three or four days, copies of existing laws bearing on the liquor traffic in our state.

Very truly,
JOSEPH P. BYERS,
*Clerk.*

BOARD OF STATE CHARITIES,
COLUMBUS, O., 11th July, 1892.

J. HICKSON, Esq., Montreal, Canada.

DEAR SIR,—I enclose to you a typewritten copy of all the laws of the state of Ohio pertaining to the "Liquor Traffic" as requested in your letter of the 21st of June.

The laws of 1892 have not been available as they are not yet received from the printer.

I have carefully gone through the Revised Statutes of Ohio (issue of 1890) and also the laws and amendments of 1891, extracting therefrom everything relating to the manufacture and sale of intoxicating liquors and other legislation thereon. I trust that they will be entirely satisfactory.

Very truly,
JAS. P. BYERS,
*Clerk.*

PROHIBITION STATE EXECUTIVE COMMITTEE,
COLUMBUS, O., July 28, 1892.

HON. J. HICKSON,
Montreal.

MY DEAR SIR,—Your communication to the Governor of Ohio, asking for information concerning the legislation of the state with regard to the liquor traffic was referred to the Secretary of State and by him to the clerk of the State Board of Charities, and as he did not know what to do with it, he brought it to me as chairman of the Executive Committee of the prohibition party in the state and asked me to look at it and see what I could do. I am simply a private citizen, with strong convictions concerning the traffic. I have a conviction in my own mind that the official gentlemen were glad to unload it wherever they could, but I make no such charges. The treatment of the liquor traffic in this state has not been such as to invite the commendation of good men and hence I suspect there is no great desire to have it paraded.

I want to say that the things you ask are the correct things and should be given. As a private citizen with but little time to spare it will require more on my part than it would on the part of some of the officials to ransack the records and find what you want. This in part, because records have not been very accurately kept and partly bacause they, so far as kept, are scattered in so many places. I have concluded herein to begin the matter and to do the very best for you I can. If you are not in too much of a hurry I may be able to meet what you wish.

You see I have written you frankly on the matter. If you have any further suggestions to make as to investigations other than those made in your first letter I shall be glad to have them, or if you think proper that the answers should come from some state official, you will do me the favour to write me.

Assuring you of my high regards and hoping to hear from you again I remain.

Very truly yours,

H. S. THOMPSON.

NOTE:—Some further letters were exchanged with Dr. Thompson, but no additional information was obtained.

DEPARTMENT OF STATE, COLUMBUS, O., 11th January, 1894.

Sir J. HICKSON,
Montreal, Canada.

DEAR SIR,—I caused to be mailed to your address yesterday a copy of the Secretary of State's report for 1892, the last one published, giving all the statistical information we have on the subject mentioned in your letter, except as to the revenue received from the Dow liquor law, which, for the year 1892, amounted to $2,683,939.07.

Very respectfully yours,

SAMUEL M. TAYLOR,
Secretary of State.

# APPENDIX No. 77.

## UNITED STATES.

STATEMENT showing the population of each State and Territory in the Union, and the number of persons who have paid special taxes as vendors and manufacturers of liquors. Fourteen months ending 30th June, 1891, (S.A., U.S., p. 214.)

| State. | Population, 1890. | Rectifiers. | Retail Liquor Dealers. | Wholesale Liquor Dealers. | Brewers. | Retail Dealers in Malt Liquors. | Wholesale Dealers in Malt Liquors. | Total. |
|---|---|---|---|---|---|---|---|---|
| Maine | 661,086 | ..... | 1,193 | 8 | ..... | 126 | 11 | 1,338 |
| New Hampshire | 376,530 | 1 | 1,684 | 7 | 5 | 209 | 60 | 1,966 |
| Vermont | 332,422 | ..... | 488 | ..... | ..... | 21 | 9 | 518 |
| Massachusetts | 2,238,943 | 75 | 5,371 | 231 | 39 | 294 | 258 | 6,268 |
| Rhode Island | 345,506 | 9 | 1,799 | 51 | 4 | 24 | 22 | 1,909 |
| Connecticut | 746,258 | 22 | 3,208 | 57 | 33 | 126 | 145 | 3,591 |
| New York | 5,997,853 | 317 | 43,869 | 993 | 324 | 1,936 | 646 | 48,085 |
| New Jersey | 1,444,933 | 39 | 8 746 | 98 | 56 | 306 | 227 | 9,472 |
| Pennsylvania | 5,258,014 | 223 | 11,917 | 463 | 267 | 524 | 411 | 13,805 |
| Delaware | 168,493 | ..... | 369 | 7 | 5 | 7 | 4 | 392 |
| Maryland | 1,042,390 | 78 | 5,310 | 127 | 54 | 113 | 97 | 5,779 |
| Dist. of Columbia | 230,392 | ..... | 1,556 | 29 | 6 | 46 | 9 | 1,646 |
| Virginia | 1,655,980 | 20 | 3,646 | 37 | 3 | 62 | 42 | 3,310 |
| Virginia, West | 762,794 | 9 | 1,465 | 12 | 7 | 81 | 16 | 1,590 |
| Carolina, North | 1,617,947 | 15 | 1,563 | 24 | ..... | 33 | 23 | 1,658 |
| Carolina, South | 1,151,149 | ..... | 1,040 | 16 | 1 | 21 | 16 | 1,094 |
| Georgia | 1,837,353 | 12 | 2,325 | 57 | 1 | 125 | 34 | 2,554 |
| Florida | 391,422 | ..... | 547 | 15 | ..... | 108 | 13 | 683 |
| Ohio | 3,672,316 | 103 | 16,275 | 360 | 146 | 324 | 340 | 17,548 |
| Indiana | 2,192,404 | 20 | 7,766 | 72 | 49 | 359 | 172 | 8,438 |
| Illinois | 3,826,351 | 124 | 16,457 | 286 | 127 | 980 | 299 | 18,273 |
| Michigan | 2,093,889 | 13 | 8,551 | 58 | 121 | 295 | 190 | 9,228 |
| Wisconsin | 1,686,880 | 46 | 9,223 | 114 | 199 | 437 | 137 | 10,156 |
| Minnesota | 1 301,826 | 32 | 3,672 | 71 | 112 | 198 | 174 | 4,259 |
| Iowa | 1,911,896 | 11 | 6,874 | 54 | 29 | 395 | 267 | 7,630 |
| Missouri | 2,679,184 | 71 | 8,115 | 204 | 65 | 321 | 208 | 8,984 |
| Dakota, North | 182,719 | ..... | 591 | 3 | 6 | 10 | 9 | 619 |
| Dakota, South | 328,868 | ..... | 1,371 | 6 | 5 | 30 | 17 | 1,429 |
| Nebraska | 1,058,910 | 2 | 2,763 | 65 | 28 | 132 | 167 | 3,157 |
| Kansas | 1,427,096 | 2 | 2,811 | 19 | 1 | 525 | 61 | 3,419 |
| Kentucky | 1,858,635 | 83 | 5,125 | 225 | 29 | 195 | 70 | 5,727 |
| Tennessee | 1,767,518 | 25 | 2,878 | 77 | 6 | 31 | 41 | 3,058 |
| Alabama | 1,513,017 | 4 | 950 | 38 | 4 | 40 | 27 | 1,063 |
| Mississippi | 1,289,600 | ..... | 710 | 22 | ..... | 126 | 14 | 872 |
| Louisiana | 1,118,587 | 30 | 3,346 | 99 | 8 | 30 | 20 | 3,533 |
| Texas | 2,235,523 | 33 | 5,117 | 76 | 13 | 1,090 | 253 | 6,582 |
| Oklahoma | 61,834 | ..... | 455 | 6 | ..... | 38 | 20 | 519 |
| Arkansas | 1,128,179 | ..... | 1,065 | 40 | ..... | 23 | 27 | 1,155 |
| Montana | 132,159 | ..... | 2,655 | 80 | 23 | 61 | 44 | 2,863 |
| Wyoming | 60,705 | ..... | 606 | 10 | 6 | 10 | 21 | 653 |
| Colorado | 412,198 | 4 | 3,139 | 67 | 23 | 156 | 76 | 3,465 |
| New Mexico | 153,593 | 2 | 1,234 | 17 | 6 | 22 | 22 | 1,303 |
| Arizona | 59,620 | ..... | 721 | 12 | 5 | 12 | 24 | 779 |
| Utah | 207,905 | 5 | 319 | 4 | 3 | 8 | 5 | 339 |
| Nevada | 45,761 | ..... | 692 | 7 | 22 | 12 | 6 | 739 |
| Idaho | 84,385 | 1 | 1,218 | 13 | 30 | 21 | 29 | 1,321 |
| Washington | 349,390 | 2 | 2,674 | 58 | 45 | 55 | 71 | 2,905 |
| Oregon | 313,767 | 8 | 1,843 | 40 | 35 | 48 | 30 | 2,004 |
| California | 1,208,130 | 177 | 15,043 | 434 | 183 | 232 | 155 | 16,224 |
| | 62,622,250 | 1,618 | 230,335 | 4,869 | 2,134 | 10,378 | 5,039 | 254,393 |

# APPENDIX No. 78.

## UNITED STATES.

**STATEMENT showing the population of each State and Territory, and the number of persons who have paid special taxes as vendors and manufacturers of liquors, for the year ending June, 1892.**

From Statistical Abstract, United States, 1892, page 218.

| State. | Population (Census, 1890). | Rectifiers. | Retail Liquor Dealers. | Wholesale Liquor Dealers. | Brewers. | Retail Dealers in Malt Liquors. | Wholesale Dealers in Malt Liquors. | Total. | No. of Special tax papers issued per 1,000 of population | No. of inhabitants to each special tax payer |
|---|---|---|---|---|---|---|---|---|---|---|
| Maine | 661,086 | ..... | 808 | 7 | ... | 214 | 5 | 1,034 | 1·55 | 639 |
| New Hampshire | 376,530 | 1 | 1,669 | 9 | 5 | 160 | 68 | 1,912 | 5·00 | 197 |
| Vermont | 332,422 | ..... | 419 | ..... | 1 | 30 | 10 | 460 | 1·38 | 723 |
| Massachusetts | 2,238,943 | 63 | 4,918 | 223 | 34 | 206 | 241 | 5,685 | 2·54 | 394 |
| Rhode Island | 345,506 | 10 | 1,729 | 49 | 5 | 34 | 24 | 1,841 | 5·32 | 188 |
| Connecticut | 746,258 | 21 | 3,172 | 56 | 19 | 122 | 130 | 3,520 | 4·75 | 210 |
| New York | 5,997,853 | 303 | 38,678 | 942 | 304 | 1,581 | 607 | 42,415 | 7·09 | 141 |
| New Jersey | 1,444,933 | 31 | 8,367 | 81 | 52 | 268 | 228 | 9,027 | 6·24 | 160 |
| Pennsylvania | 5,258,014 | 213 | 12,119 | 427 | 272 | 619 | 476 | 14,126 | 2·68 | 372 |
| Delaware | 168,493 | 4 | 405 | 6 | 5 | 8 | 6 | 434 | 2·57 | 391 |
| Maryland | 1,042,390 | 62 | 4,355 | 105 | 36 | 61 | 69 | 4,688 | 4·49 | 223 |
| Columbia, Dis. of. | 230,392 | ..... | 1,578 | 31 | 7 | 55 | 6 | 1,677 | 7·28 | 137 |
| Virginia | 1,655,980 | 16 | 3,474 | 44 | 4 | 63 | 38 | 3,639 | 2·19 | 453 |
| Virginia, West | 762,794 | 8 | 1,362 | 12 | 6 | 67 | 21 | 1,476 | 1·93 | 517 |
| Carolina, North | 1,617,947 | 13 | 1,468 | 31 | ..... | 39 | 26 | 1,577 | 0·97 | 1,034 |
| Carolina, South | 1,151,149 | ..... | 970 | 16 | 1 | 33 | 17 | 1,037 | 0·90 | 1,110 |
| Georgia | 1,837,353 | 10 | 2,025 | 55 | 5 | 100 | 34 | 2,229 | 1·21 | 824 |
| Florida | 391,422 | 5 | 475 | 15 | ..... | 29 | 19 | 543 | 1·38 | 721 |
| Ohio | 3,677,316 | 120 | 15,943 | 351 | 131 | 265 | 361 | 17,171 | 4·64 | 214 |
| Indiana | 2,192,404 | 36 | 7,561 | 94 | 48 | 355 | 206 | 8,300 | 3·78 | 264 |
| Illinois | 3,826,351 | 129 | 17,458 | 309 | 136 | 968 | 299 | 19,279 | 5·03 | 199 |
| Michigan | 2,093,889 | 12 | 8,183 | 58 | 114 | 266 | 172 | 8,805 | 4·20 | 238 |
| Wisconsin | 1,686,880 | 43 | 8,891 | 111 | 169 | 399 | 140 | 9,753 | 5·78 | 173 |
| Minnesota | 1,301,826 | 26 | 3,146 | 69 | 96 | 169 | 148 | 3,654 | 2·82 | 354 |
| Iowa | 1,911,896 | 10 | 4,706 | 58 | 37 | 250 | 158 | 5,219 | 2·72 | 367 |
| Missouri | 2,679,184 | 64 | 7,849 | 204 | 60 | 406 | 210 | 8,793 | 3·28 | 305 |
| Dakota, North | 182,719 | ..... | 303 | .. | 2 | 24 | ..... | 329 | 1·83 | 555 |
| Dakota, South | 328,808 | 1 | 1,079 | 8 | 3 | 22 | 23 | 1,136 | 3·45 | 290 |
| Nebraska | 1,058,910 | 2 | 2,277 | 46 | 25 | 138 | 155 | 2,643 | 2·49 | 401 |
| Kansas | 1,427,096 | 2 | 2,068 | 16 | 1 | 432 | 51 | 2,570 | 1·79 | 555 |
| Kentucky | 1,858,635 | 77 | 4,888 | 239 | 28 | 188 | 61 | 5,481 | 2·95 | 339 |
| Tennessee | 1,767,518 | 26 | 2,704 | 70 | 4 | 23 | 36 | 2,863 | 1·61 | 618 |
| Alabama | 1,513,017 | 5 | 1,120 | 43 | 5 | 49 | 25 | 1,247 | 0·82 | 1,214 |
| Mississippi | 1,289,600 | 1 | 1,050 | 30 | ..... | 132 | 22 | 1,235 | 0·57 | 1,045 |
| Louisiana | 1,118,587 | 27 | 5,468 | 117 | 8 | 49 | 37 | 5,706 | 5·10 | 196 |
| Texas | 2,235,523 | 23 | 4,807 | 73 | 12 | 1,099 | 290 | 6,304 | 2·82 | 355 |
| Oklahoma | 61,834 | ..... | 339 | 6 | ..... | 17 | 23 | 385 | 6·22 | 161 |
| Arkansas | 1,128,179 | ..... | 794 | 9 | 3 | 13 | 24 | 843 | 0·73 | 1,354 |
| Montana | 132,159 | ..... | 2,217 | 54 | 20 | 48 | 38 | 2,377 | 17·91 | 55 |
| Wyoming | 60,705 | ..... | 419 | 9 | 6 | 8 | 15 | 457 | 7·52 | 133 |
| Colorado | 412,198 | 4 | 2,864 | 60 | 26 | 151 | 91 | 3,196 | 7·74 | 122 |
| New Mexico | 153,593 | 2 | 584 | 6 | 4 | 12 | 30 | 638 | 4·14 | 241 |
| Arizona | 59,620 | ..... | 666 | 9 | 3 | 13 | 34 | 725 | 5·16 | 82 |
| Utah | 207,905 | 4 | 642 | 13 | 11 | 28 | 14 | 712 | 3·40 | 292 |
| Nevada | 45,761 | ..... | 552 | 7 | 18 | 6 | 9 | 592 | 12·93 | 77 |
| Idaho | 84,385 | 1 | 888 | 16 | 19 | 11 | 20 | 955 | 11·30 | 88 |
| Washington | 349,390 | ..... | 2,012 | 44 | 41 | 38 | 46 | 2,181 | 6·26 | 160 |
| Oregon | 313,767 | 10 | 1,868 | 47 | 38 | 42 | 24 | 2,029 | 6·44 | 155 |
| California | 1,208,130 | 151 | 14,054 | 465 | 142 | 232 | 160 | 15,204 | 12·58 | 79 |
| | 62,622,250 | 1,536 | 215,371 | 4,750 | 1,966 | 9,532 | 4,947 | 238,102 | 4·44 | 390 |

# APPENDIX No. 79.

RETURN of Convicts in Penitentiaries in the years 1890 and 1880 by States and Territories, and ratio per thousand of the population.

UNITED STATES.

| — | 1890. | | | 1880. | | |
|---|---|---|---|---|---|---|
| | Population. | Convicts. | Per 1,000 of population. | Population. | Convicts. | Per 1,000 of population. |
| The United States | 62,622,250 | 45,233 | 0·72 | 50,155,783 | 35,538 | 0·71 |
| North Atlantic Division | 17,401,545 | 14,477 | 0·83 | 14,507,407 | 11,138 | 0·77 |
| Maine | 661,086 | 170 | 0·26 | 648,936 | 213 | 0·33 |
| New Hampshire | 376,530 | 116 | 0·31 | 346,991 | 154 | 0·44 |
| Vermont | 332,422 | 91 | 0·27 | 332,286 | 143 | 0·43 |
| Massachusetts | 2,238,943 | 1,530 | 0·68 | 1,783,085 | 1,085 | 0·61 |
| Rhode Island | 345,506 | 122 | 0·35 | 276,531 | 107 | 0·39 |
| Connecticut | 746,258 | 340 | 0·46 | 622,700 | 252 | 0·40 |
| New York | 5,997,853 | 8,190 | 1·36 | 5,082,871 | 6,300 | 1·24 |
| New Jersey | 1,444,933 | 1,557 | 1·08 | 1,131,116 | 1,047 | 0 93 |
| Pennsylvania | 5,258,014 | 2,361 | 0·45 | 4,282,891 | 1,837 | 0·43 |
| South Atlantic Division | 8,857,920 | 6,466 | 0·73 | 7,597,197 | 5,345 | 0·70 |
| Delaware | 168,493 | ..... | ..... | 146,608 | ..... | ..... |
| Maryland | 1,042,390 | 690 | 0·66 | 934,943 | 685 | 0·73 |
| District of Columbia | 230,392 | ..... | ..... | 177,624 | ..... | ..... |
| Virginia | 1,655,980 | 1,167 | 0·70 | 1,512,565 | 1,087 | 0·72 |
| West Virginia | 762,794 | 278 | 0·36 | 618,457 | 266 | 0·43 |
| North Car lina | 1,617,947 | 1,422 | 0·88 | 1,399,750 | 1,216 | 0·87 |
| South do | 1,151,149 | 806 | 0·70 | 995,577 | 404 | 0·41 |
| Georgia | 1,837,353 | 1,729 | 0.94 | 1,542,180 | 1,504 | 0·97 |
| Florida | 391,422 | 374 | 0·95 | 260,493 | 183 | 0·68 |
| North Central Division | 22,362,279 | 10,990 | 0·49 | 17,364,111 | 8,862 | 0·51 |
| Ohio | 3,672,316 | 1,652 | 0·45 | 3,196,062 | 1,278 | 0·40 |
| Indiana | 2,192,404 | 1,416 | 0·65 | 1,978,301 | 1,238 | 0·63 |
| Illinois | 3,826,351 | 2,057 | 0·54 | 3,077,871 | 1,838 | 0·60 |
| Michigan | 2,09 ,889 | 1,108 | 0·53 | 1,636,937 | 1,183 | 0·72 |
| Wisconsin | 1,686,880 | 530 | 0·31 | 1,315,497 | 308 | 0·23 |
| Minnesota | 1,301,826 | 432 | 0.33 | 780,773 | 248 | 0·32 |
| Iowa | 1,911,896 | 623 | 0·33 | 1,624,615 | 546 | 0·34 |
| Missouri | 2,679,184 | 1,701 | 0·63 | 2,168,380 | 1,280 | 0·59 |
| North Dakota | 182,719 | 65 | 0·36 | 36,909 | ..... | * |
| South do | 328,808 | 97 | 0·29 | 98,268 | ..... | |
| Nebraska | 1,058,910 | 391 | 0·37 | 452,402 | 256 | 0 57 |
| Kansas | 1,427,096 | 918 | 0·64 | 996,096 | 687 | 0·69 |
| South Central Division | 10,972,893 | 9,241 | 0·84 | 8,919,371 | 7,951 | 0·89 |
| Kentucky | 1,858,635 | 1,235 | 0·66 | 1,648,690 | 802 | 0·49 |
| Tennessee | 1,767,518 | 1,484 | 0·84 | 1,542,359 | 1,464 | 0·95 |
| Alabama | 1,513,017 | 1,086 | 0·72 | 1,262,505 | 1,121 | 0·89 |
| Mississippi | 1,289,600 | 429 | 0·33 | 1,131,597 | 1,088 | 0·96 |
| Louisiana | 1,118,587 | 856 | 0·76 | 939,946 | 619 | 0·66 |
| Texas | 2,235,523 | 3,319 | 1·48 | 1,591,749 | 2,293 | 1·44 |
| Indian Territory | ..... | ..... | ..... | ..... | ..... | ..... |
| Oklahoma | 61,834 | ..... | ..... | ..... | ..... | ..... |
| Arkansas | 1,128,179 | 832 | 0·74 | 802,525 | 564 | 0·70 |

RETURN of Convicts in Penitentiaries in the years 1890 and 1880, &c.—*Concluded.*

UNITED STATES—*Concluded.*

| | 1890. | | | 1880. | | |
|---|---|---|---|---|---|---|
| | Population. | Convicts. | Per 1,000 of population. | Population. | Convicts. | Per 1,000 of population. |
| Western Division | 3,027,613 | 4,059 | 1·34 | 1,767,697 | 2,242 | 1·27 |
| Montana | 132,159 | 225 | 1·70 | 39,159 | 53 | 1·35 |
| Wyoming | 60,705 | 10 | 0·16 | 20,789 | 19 | 0·91 |
| Colorado | 412,198 | 526 | 1·28 | 194,327 | 185 | 0·95 |
| New Mexico | 153,593 | 112 | 0·73 | 119,565 | ..... | † |
| Arizona | 59,620 | 144 | 2·41 | 40,440 | 31 | 0·77 |
| Utah | 207,905 | 180 | 0·87 | 143,963 | 53 | 0·37 |
| Nevada | 45,761 | 96 | 2·10 | 62,266 | 150 | 2·41 |
| Idaho | 84,385 | 102 | 1·21 | 32,610 | 22 | 0·67 |
| Alaska | ..... | ..... | ..... | ..... | ..... | ..... |
| Oregon | 313,767 | 362 | 1·15 | 174,768 | 180 | 1·03 |
| California | 1,208,130 | 2,051 | 1·70 | 864,694 | 1,495 | 1·73 |
| Washington | 349,390 | 251 | 0·72 | 75,116 | 54 | 0·72 |

NOTE.—There is no penitentiary in the District of Columbia.
do do Indian Territory.
do do Oklahoma.
do do Alaska.
do do Delaware.
* No statistics for 1880. † No statistics for 1880.

# APPENDIX No. 80.

RETURN of Prisoners in County Jails in the years 1890 and 1880 by States and Territories, and ratio per thousand of the population.

UNITED STATES.

| — | 1890. | | | 1880. | | |
|---|---|---|---|---|---|---|
| | Population. | Prisoners. | Per 1,000 of population. | Population. | Prisoners. | Per 1,000 of population. |
| The United States | 62,622,250 | 19,538 | 0·31 | 50,155,783 | 12,691 | 0·25 |
| North Atlantic Division | 17,401,545 | 6,764 | 0·39 | 14,507,407 | 4,266 | 0·29 |
| Maine | 661,086 | 302 | 0·46 | 648,936 | 185 | 0·28 |
| New Hampshire | 376,530 | 113 | 0·30 | 346,991 | 57 | 0·16 |
| Vermont | 332,422 | 30 | 0·09 | 332,286 | 45 | 0·13 |
| Massachusetts | 2,238,943 | 954 | 0·43 | 1,783 085 | 418 | 0·23 |
| Rhode Island | 345,506 | 229 | 0·66 | 276,531 | 47 | 0·17 |
| Connecticut | 746,258 | 675 | 0·90 | 622,700 | 431 | 0·69 |
| New York | 5,997,853 | 1,292 | 0·21 | 5,082,871 | 857 | 0·17 |
| New Jersey | 1,444,933 | 783 | 0·54 | 1,131,116 | 483 | 0·43 |
| Pennsylvania | 5,258,014 | 2,386 | 0·45 | 4,282,891 | 1,743 | 0·41 |
| South Atlantic Division | 8,857,920 | 2,696 | 0·30 | 7,597,197 | 1,725 | 0·23 |
| Delaware | 168,493 | 139 | 0·82 | 146,608 | 81 | 0·55 |
| Maryland | 1,042,390 | 163 | 0·16 | 934,943 | 148 | 0·16 |
| District of Columbia | 230,392 | 213 | 0·92 | 177,624 | 190 | 1·07 |
| Virginia | 1,655,980 | 390 | 0·24 | 1,512,565 | 266 | 0·18 |
| West Virginia | 762,794 | 153 | 0·20 | 618,457 | 106 | 0·17 |
| North Carolina | 1,617,947 | 442 | 0·27 | 1,399,750 | 329 | 0·23 |
| South Carolina | 1,151,149 | 374 | 0·32 | 995,577 | 220 | 0·22 |
| Georgia | 1,837,353 | 552 | 0·30 | 1,542,180 | 299 | 0·19 |
| Florida | 391,422 | 270 | 0·69 | 269,493 | 86 | 0·32 |
| North Central Division | 22,362,279 | 4,225 | 0·19 | 17,364,111 | 2,858 | 0·16 |
| Ohio | 3,672,316 | 502 | 0·14 | 3,198,062 | 466 | 0·15 |
| Indiana | 2,192,404 | 464 | 0·21 | 1,978,301 | 289 | 0·15 |
| Illinois | 3,826,351 | 727 | 0·19 | 3,077,871 | 686 | 0·22 |
| Michigan | 2,093,889 | 399 | 0·19 | 1,636,937 | 220 | 0·13 |
| Wisconsin | 1,686,880 | 345 | 0·20 | 1,315,497 | 178 | 0·13 |
| Minnesota | 1,301,826 | 208 | 0·16 | 780,773 | 105 | 0·13 |
| Iowa | 1,911,896 | 327 | 0·17 | 1,624,615 | 255 | 0·16 |
| Missouri | 2,679,184 | 505 | 0·19 | 2,168,380 | 324 | 0·15 |
| North Dakota | 182,719 | 25 | 0·19 | 36,909 | 55 | 0·41 |
| South Dakota | 328,808 | 72 | | 98,268 | | |
| Nebraska | 1,058,910 | 219 | 0·21 | 452,402 | 78 | 0·17 |
| Kansas | 1,427,096 | 432 | 0·30 | 996,096 | 202 | 0·20 |
| South Central Division | 10,972,893 | 4,118 | 0 37 | 8,919,371 | 2,848 | 0·32 |
| Kentucky | 1,858,635 | 646 | 0·35 | 1,648,690 | 471 | 0 29 |
| Tennessee | 1,767,518 | 654 | 0·37 | 1,542,359 | 483 | 0·31 |
| Alabama | 1,513,017 | 573 | 0·38 | 1,262 505 | 232 | 0·18 |
| Mississippi | 1,289,600 | 284 | 0·22 | 1,131,597 | 206 | 0·18 |
| Louisiana | 1,118,587 | 524 | 0·47 | 939,946 | 440 | 0·47 |
| Texas | 2,235,523 | 1,040 | 0·46 | 1,591,749 | 826 | 0·52 |
| Indian Territory | | | | | | |
| Oklahoma | 61,834 | | | | | |
| Arkansas | 1,128,179 | 397 | 0·35 | 802,525 | 190 | 0·24 |

RETURN of Prisoners in County Jails in the years 1890 and 1880, &c.—*Concluded.*

UNITED STATES—*Concluded.*

| | 1890. | | | 1880. | | |
|---|---|---|---|---|---|---|
| | Population. | Prisoners. | Per 1,000 of population. | Population. | Prisoners. | Per 1,000 of population. |
| Western Division | 3,027,613 | 1,735 | 0·57 | 1,767,697 | 994 | 0·56 |
| Montana | 132,159 | 193 | 1·46 | 39,159 | 23 | 0 58 |
| Wyoming | 60,705 | 59 | 0·97 | 20,789 | 36 | 1·73 |
| Colorado | 412,198 | 275 | 0·67 | 194,327 | 84 | 0·43 |
| New Mexico | 153,593 | 85 | 0·55 | 119,565 | 40 | 0·33 |
| Arizona | 59,620 | 97 | 1·63 | 40,440 | 23 | 0·57 |
| Utah | 207,905 | 43 | 0·21 | 143,963 | 5 | 0·03 |
| Nevada | 45,761 | 54 | 1·18 | 62,266 | 49 | 0·79 |
| Idaho | 84,385 | 45 | 0·53 | 32,610 | 10 | 0·31 |
| Alaska | | | | | | |
| Washington | 349,390 | 141 | 0·40 | 75,116 | 27 | 0·36 |
| Oregon | 313,767 | 61 | 0·19 | 174,768 | 40 | 0·23 |
| California | 1,208,130 | 682 | 0·56 | 864,694 | 657 | 0·76 |

NOTE.—There is no jail reported in Alaska, Indian Territory, or Oklahoma. The two Dakotas have been counted as one to secure uniformity.

# APPENDIX No. 81.

RETURN of Paupers in Almshouses in the years 1890 and 1880 by States and Territories, and ratio per thousand of the population.

UNITED STATES.

| — | 1890. | | | 1880. | | |
|---|---|---|---|---|---|---|
| | Population. | Paupers. | Per 1,000 of population. | Population. | Paupers. | Per 1,000 of population. |
| The United States | 62,622,250 | 73,045 | 1·16 | 50,155,783 | 66,203 | 1·32 |
| North Atlantic Division | 17,401,545 | 31,143 | 1·79 | 14,507,407 | 33,933 | 2·34 |
| Maine | 661,086 | 1,161 | 1·76 | 648,936 | 1,505 | 2·32 |
| New Hampshire | 376,530 | 1,143 | 3·04 | 346,991 | 1,198 | 3·45 |
| Vermont | 332,422 | 543 | 1·63 | 332,286 | 655 | 1·97 |
| Massachusetts | 2,238,943 | 4,725 | 2·11 | 1,783,085 | 4,533 | 2·54 |
| Rhode Island | 345,506 | 490 | 1·42 | 276,531 | 526 | 1·90 |
| Connecticut | 746,258 | 1,438 | 1·93 | 622,700 | 1,418 | 2·28 |
| New York | 5,997,853 | 10,272 | 1·71 | 5,082,871 | 12,452 | 2·45 |
| New Jersey | 1,444,633 | 2,718 | 1·88 | 1,131,116 | 2,462 | 2·18 |
| Pennsylvania | 5,258,014 | 8,653 | 1·65 | 4,282,891 | 9,184 | 2·14 |
| South Atlantic Division | 8,857,920 | 8,100 | 0·91 | 7,591,197 | 6,975 | 0·92 |
| Delaware | 168,493 | 299 | 1·77 | 146,608 | 387 | 2·64 |
| Maryland | 1,042,390 | 1,599 | 1·53 | 934,943 | 1,187 | 1·27 |
| District of Columbia | 230,392 | 221 | 0·96 | 177,624 | 184 | 1·04 |
| Virginia | 1,655,980 | 2,193 | 1·32 | 1,512,565 | 2,117 | 1·40 |
| West Virginia | 762,794 | 792 | 1·04 | 618,457 | 711 | 1·15 |
| North Carolina | 1,617,947 | 1,493 | 0·92 | 1,399,750 | 1,275 | 0·91 |
| South Carolina | 1,151,149 | 578 | 0·50 | 995,577 | 519 | 0·52 |
| Georgia | 1,837,353 | 901 | 0·49 | 1,542,180 | 550 | 0·36 |
| Florida | 391,422 | 24 | 0·06 | 269,493 | 45 | 0·17 |
| North Central Division | 22,362,279 | 25,615 | 1·14 | 17,364,111 | 19,811 | 1·14 |
| Ohio | 3,672,316 | 7,400 | 2·01 | 3,168,062 | 6,974 | 2·18 |
| Indiana | 2,192,404 | 2,927 | 1·33 | 1,978,301 | 3,052 | 1·54 |
| Illinois | 3,826,351 | 5,395 | 1·41 | 3,077,871 | 3,684 | 1·20 |
| Michigan | 2,093,889 | 1,916 | 0·91 | 1,636,937 | 1,746 | 1·07 |
| Wisconsin | 1,686,880 | 2,641 | 1·57 | 1,315,497 | 1,018 | 0·77 |
| Minnesota | 1,301,826 | 365 | 0·28 | 780,773 | 227 | 0·29 |
| Iowa | 1,911,896 | 1,621 | 0·85 | 1,624,615 | 1,165 | 0·72 |
| Missouri | 2,679,184 | 2,378 | 0·89 | 2,168,380 | 1,477 | 0·68 |
| North Dakota | 182,719 | 35 | 0·19 | 36,909 | * | |
| South Dakota | 328,808 | 53 | 0·16 | 98,268 | * | |
| Nebraska | 1,058,910 | 291 | 0·27 | 452,402 | 113 | 0·25 |
| Kansas | 1,427,096 | 593 | 0·42 | 966,096 | 355 | 0·36 |
| South Central Division | 10,972,893 | 5,049 | 0·46 | 8,919,371 | 3,676 | 0·41 |
| Kentucky | 1,858,635 | 1,578 | 0·85 | 1,648,690 | 1,366 | 0·83 |
| Tennessee | 1,767,518 | 1,545 | 0·87 | 1,542,359 | 1,136 | 0·74 |
| Alabama | 1,513,017 | 623 | 0·41 | 1,262,505 | 514 | 0·41 |
| Mississippi | 1,289,600 | 494 | 0·38 | 1,131,597 | 345 | 0·30 |
| Louisiana | 1,118,587 | 122 | 0·11 | 939,946 | * | |
| Texas | 2,235,523 | 464 | 0·21 | 1,591,749 | 210 | 0·13 |
| Indian Territory | | † | | | | |
| Oklahoma | 61,834 | † | | | | |
| Arkansas | 1,128,179 | 223 | 0·20 | 802,525 | 105 | 0·13 |

RETURN of Paupers in Almshouses in the years 1890 and 1880, &c.—*Concluded.*

UNITED STATES.

| — | 1890. | | | 1880. | | |
|---|---|---|---|---|---|---|
| | Population. | Paupers. | Per 1,000 of population. | Population. | Paupers. | Per 1,000 of population. |
| Western Division | 3,027,613 | 3,138 | 1·04 | 1,767,697 | 1,808 | 1·02 |
| Montana | 132,159 | 132 | 1·00 | 39,159 | * | |
| Wyoming | 60,705 | | | 20,789 | | |
| Colorado | 412,198 | 87 | 0·21 | 194,327 | 46 | 0·24 |
| New Mexico | 153,593 | 1 | 0·10 | 119,565 | | |
| Arizona | 59,620 | 23 | 0·39 | 40,440 | 4 | 1·00 |
| Utah | 207,905 | 62 | 0·30 | 143,963 | | |
| Nevada | 45,761 | 43 | 0·94 | 62,266 | 95 | 1·53 |
| Idaho | 84,385 | 20 | 0·24 | 32,610 | 7 | 0·21 |
| Alaska | | † | | | | |
| Washington | 349,390 | 71 | 0·20 | 75,116 | 11 | 0·15 |
| Oregon | 313,767 | 99 | 0·32 | 174,768 | 51 | 0·29 |
| California | 1,208,130 | 2,600 | 2·15 | 864,694 | 1,594 | 1 84 |

NOTE:—There are no paupers in Almshouses in Wyoming.

*North Dakota, no information for 1880.
South Dakota do do
Louisiana do do
Montana do do

†No information given for Indian Territory, Oklahoma or Alaska. (Census Bulletin No 154.)

# APPENDIX No. 82.

RETURN of Inmates of Juvenile Reformatories in the years 1890 and 1880 by States and Territories, and ratio per 1,000 of the population.

UNITED STATES.

| | 1890. | | | 1880. | | |
|---|---|---|---|---|---|---|
| | Population. | Juveniles. | Ratio per 1,000 of population. | Population. | Juveniles. | Ratio per 1,000 of population. |
| The United States | 23,622,250 | 14,846 | 0·24 | 50,155,783 | 11,468 | 0·23 |
| North Atlantic Division | 17,401,545 | 7,388 | 0·42 | 14,507,407 | 6,805 | 0·47 |
| Maine | 661,086 | 169 | 0·26 | 648,936 | 116 | 0·18 |
| New Hampshire | 376,530 | 102 | 0·27 | 346,991 | 111 | 0·32 |
| Vermont | 332,422 | 86 | 0·26 | 332,286 | 149 | 0·45 |
| Massachusetts | 2,238,943 | 698 | 0·31 | 1,783,085 | 726 | 0·41 |
| Rhode Island | 345,506 | 270 | 0·78 | 276,531 | 180 | 0·65 |
| Connecticut | 746,258 | 626 | 0·84 | 622,700 | 429 | 0·69 |
| New York | 5,997,853 | 3,675 | 0·61 | 5,082,871 | 3,842 | 0·76 |
| New Jersey | 1,444,933 | 608 | 0·42 | 1,131,116 | 438 | 0·39 |
| Pennsylvania | 5,258,014 | 1,154 | 0·22 | 4,282,891 | 814 | 0·19 |
| South Atlantic Division | 8,857,920 | 1,293 | 0·15 | 7,597,197 | 927 | 0·12 |
| Delaware | 168,493 | 45 | 0·27 | 146,608 | † | |
| Maryland | 1,042,390 | 1,061 | 1·02 | 934,943 | 759 | 0·81 |
| District of Columbia | 230,392 | 187 | 0·81 | 177,624 | 168 | 0·95 |
| Virginia | 1,655,980 | * | | 1,512,565 | | |
| West Virginia | 762,794 | * | | 618,457 | | |
| North Carolina | 1,617,947 | * | | 1,399,750 | | |
| South Carolina | 1,151,149 | * | | 995,577 | | |
| Georgia | 1,837,353 | * | | 1,542,180 | | |
| Florida | 391,422 | * | | 269,493 | | |
| North Central Division | 22,362,279 | 5,451 | 0·24 | 17,364,111 | 3,184 | 0·18 |
| Ohio | 3,672,316 | 1,529 | 0·42 | 3,198,062 | 1,051 | 0·33 |
| Indiana | 2,19 ,404 | 636 | 0·29 | 1,978,301 | 463 | 0·23 |
| Illinois | 3,826,351 | 383 | 0·10 | 3,077,871 | 217 | 0·07 |
| Michigan | 2,093,889 | 696 | 0·33 | 1,636,937 | 314 | 0·19 |
| Wisconsin | 1,686,880 | 591 | 0·35 | 1,315,497 | 523 | 0·40 |
| Minnesota | 1,301,826 | 284 | 0·22 | 780,773 | 112 | 0 14 |
| Iowa | 1,911,896 | 527 | 0·28 | 1,624,615 | 257 | 0·16 |
| Missouri | 2,679.184 | 360 | 0·13 | 2,168,380 | 247 | 0·11 |
| North Dakota | 182,719 | * | | 36,909 | | |
| South Dakota | 328,808 | * | | 98,268 | | |
| Nebraska | 1,058,910 | 237 | 0·22 | 452,402 | † | |
| Kansas | 1,427,096 | 208 | 0·15 | 996,096 | † | |
| South Central Division | 10,972,893 | 359 | 0·03 | 8,919,371 | 387 | 0·04 |
| Kentucky | 1,858,635 | 273 | 0·15 | 1,648,690 | 223 | 0·13 |
| Tennesee | 1,757,518 | * | | 1,542,359 | 12 | |
| Alabama | 1,513,017 | * | | 1,262,505 | | |
| Mississippi | 1,289,600 | * | | 1,131,597 | | |
| Louisiana | 1,118,587 | 86 | 0·08 | 939,946 | 144 | 0·15 |
| Texas | 2,235,523 | * | | 1,591,749 | 8 | |
| Indian Territory | | * | | | | |
| Oklahoma | 61,834 | * | | | | |
| Arkansas | 1,123,179 | * | | 802,525 | | |

**Return** of Inmates of Juvenile Reformatories in the years 1890 and 1880, &c.—*Con.*

UNITED STATES—*Concluded.*

| — | 1890. | | | 1880. | | |
|---|---|---|---|---|---|---|
| | Population. | Juveniles. | Ratio per 1,000 of population. | Population. | Juveniles. | Ratio per 1,000 of population. |
| Western Division | 3,027,613 | 355 | 0·12 | 1,767,697 | 165 | 0·09 |
| Montana | 132,159 | * | | 39,159 | | |
| Wyoming | 60,705 | * | | 20,789 | | |
| Colorado | 412,198 | 149 | 0·36 | 194,327 | † | |
| New Mexico | 153,593 | * | | 119,565 | | |
| Arizona | 59,620 | * | | 40,440 | | |
| Utah | 207,905 | * | | 143,963 | | |
| Nevada | 45,761 | * | | 62,266 | | |
| Idaho | 84,385 | * | | 32,610 | | |
| Alaska | | | | | | |
| Oregon | 313,767 | * | | 174,768 | | |
| California | 1,208,130 | 206 | 0·17 | 864,694 | 165 | 0·19 |
| Washington | 349,390 | * | | 75,116 | | |

Note.—* No Juvenile Reformatories. †No information.

# APPENDIX No. 83.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the City of Boston, Mass., U.S., for the undermentioned years.

UNDER LICENSE.

| Years. | Population. | Total arrests. | Ratio per 1000 of population. | Arrests for drunkenness | Ratio per 1000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 362,839 | | | | |
| 1889 | 438,600 | 37,592 | 85·70 | 25,244 | 57·55 |
| 1890 | 448,477 | 35,766 | 79·74 | 24,513 | 54·65 |
| 1891 | 458,000 | 37,047 | 80·88 | 25,726 | 56·17 |
| 1892 | 468,000 | 46,211 | 98·74 | 33,755 | 72·12 |
| 1893 | 478,000 | 44,653 | 93.41 | 32,821 | 68·70 |

# APPENDIX No. 84.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Lynn, Mass., U.S., for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 38,274 | | | | |
| *1889 | 53,850 | 2,299 | 42·69 | 1,676 | 31·12 |
| *1890 | 55,727 | 2,340 | 41·99 | 1,714 | 30·75 |
| *1891 | 57,800 | 2,842 | 49·16 | 1,960 | 33·91 |
| *1892 | 59,900 | 3,922 | 65·47 | 2,832 | 47·27 |
| †1893 | 62,000 | 2,544 | 41·03 | 1,836 | 29·61 |

* Under license. † No license.

NOTE.—Of the reduction in arrests in 1893, 557 took place after 1st July, 1893, when the law in regard the duties of probation officers was changed.

# APPENDIX No. 85.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the City of Fall River, Mass., U.S., for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 48,961 | | | | |
| *a*1889 | 70,500 | 2,320 | 32·90 | 1,361 | 19·30 |
| *b*1890 | 74,398 | 2,442 | 32·82 | 1,561 | 20·98 |
| *a*1891 | 78,000 | 2,337 | 29·96 | 1,231 | 15·78 |
| *a*1892 | 82,500 | 2,830 | 34·30 | 1,104 | 13·38 |
| *b*1893 | 86,000 | 3,528 | 41·02 | 1,623 | 18·87 |

*a*. Under license. *b*. No license.

# APPENDIX No. 86.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the City of Lawrence, Mass., U.S., for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 39,151 | | | | |
| *a*1889 | 43,800 | 1,860 | 42·46 | 1,105 | 25·22 |
| *a*1890 | 44,654 | 2,416 | 54·10 | 1,698 | 38·02 |
| *a*1891 | 45,500 | 2,783 | 61·16 | 1,875 | 41·20 |
| *a*1892 | 46,400 | 2,631 | 56·70 | 1,817 | 39·16 |
| *b*1893 | 47,350 | 2,120 | 44·77 | 1,347 | 28·44 |

*a*. Under license. *b*. No license.

NOTE.—Of the reduction in arrests which took place in 1893, 470 occurred after 1st July, 1893, when the law *re* the duties of probation officers was changed.

# APPENDIX No. 87.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the City of Salem, Mass., U.S., for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 27,563 | | | | |
| *a*1889 | 30,400 | 1,502 | 49·40 | 1,166 | 38·35 |
| *a*1890 | 30,801 | 1,244 | 40·38 | 921 | 29·90 |
| *a*1891 | 31,250 | 1,362 | 43·58 | 989 | 31·64 |
| *a*1892 | 31,700 | 1,552 | 48·93 | 1,119 | 35·30 |
| *b*1893 | 32,200 | 1,302 | 40·43 | 874 | 27·14 |

*a* Under licence. *b* No licence.

NOTE.—Of the reduction of arrests for drunkenness in 1893, 212 took place after the 1st July, 1893, when the law in regard to the duties of probation officers was changed.

# APPENDIX No. 88.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the City of Cambridge, Mass., U.S., for the undermentioned years.

NO LICENCE.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 52,669 | | | | |
| 1889 | 68,360 | 1,409 | 20·62 | 696 | 10·19 |
| 1890 | 70,028 | 1,617 | 23·80 | 754 | 10·76 |
| 1891 | 71,800 | 2,166 | 30·16 | 935 | 13·02 |
| 1892 | 73,000 | 2,809 | 38·47 | 1,515 | 20·75 |
| 1893 | 74,400 | 3,373 | 45·33 | 2,039 | 27·40 |

# APPENDIX No. 89.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the City of Brocton, Mass., U.S., for the undermentioned years.

NO LICENSE.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 13,608 | | | | |
| 1889 | 25,400 | 663 | 26·10 | 407 | 16·02 |
| 1890 | 27,294 | 720 | 26·37 | 481 | 17·62 |
| 1891 | 29,000 | 838 | 28·90 | 486 | 16·76 |
| 1892 | 30,800 | 1,195 | 38·80 | 788 | 25·84 |
| 1893 | 32,700 | 1,407 | 43·02 | 827 | 24·98 |

# APPENDIX No. 90.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the city of Quincy, Mass., U.S., for the undermentioned years.

NO LICENSE.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 10,570 | | | | |
| 1889 | 15,800 | 160 | 10·12 | 76 | 4·81 |
| 1890 | 16,723 | 200 | 11·95 | 114 | 6·81 |
| 1891 | 17,650 | 218 | 12·35 | 132 | 7·47 |
| 1892 | 18,630 | 349 | 13·36 | 184 | 9·87 |
| 1893 | 19,600 | 410 | 20·91 | 234 | 11·93 |

# APPENDIX No. 91.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the city of Worcester, Mass., U.S., for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 58,291 | ..... | ..... | ..... | ..... |
| *a*1889 | 81,200 | 3,837 | 47·25 | 2,935 | 36·14 |
| *b*1890 | 84,655 | 3,269 | 38·61 | 2,301 | 27·18 |
| *a*1891 | 88,000 | 3,719 | 42·26 | 2,670 | 30·34 |
| *b*1892 | 91,000 | 4,064 | 44·66 | 2,827 | 31·06 |
| *a*1893 | 94,200 | 4,624 | 49·08 | 3,167 | 33·61 |

*a* Under license. *b* No license.

# APPENDIX No. 92.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the city of Glouester, Mass., U.S., for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 19,329 | ..... | ..... | ..... | ..... |
| *a*1889 | 24,000 | 794 | 33·08 | 439 | 18·29 |
| *b*1890 | 24,651 | 805 | 32·65 | 479 | 19·43 |
| *b*1891 | 25,300 | 945 | 37·35 | 593 | 23·43 |
| *b*1892 | 26,000 | 1,533 | 58·96 | 1,123 | 43·19 |
| *b*1893 | 26,700 | 1,891 | 70·82 | 1,494 | 55·96 |

*b* Under license. *a* No license.

# APPENDIX No. 93.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the City of Chelsea, Mass., U.S., for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 21,782 | ..... | ..... | ..... | ..... |
| *a*1889 | 27,150 | 1,370 | 50·46 | 896 | 33·00 |
| *a*1890 | 27,909 | 1,171 | 41·95 | 814 | 29·16 |
| *b*1891 | 28,650 | 1,451 | 50·64 | 899 | 31·37 |
| *b*1892 | 29,450 | 1,671 | 56·74 | 993 | 33·72 |
| *b*1893 | 30,300 | 1,721 | 56·79 | 960 | 31·68 |

*a*. Under license. *b*. No license.

# APPENDIX No. 94.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the City of Malden, Mass., U.S., for the undermentioned years.

NO LICENSE.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 12,107 | ..... | ..... | ..... | ..... |
| 1889 | 22,450 | 460 | 20·48 | 123 | 5·47 |
| 1890 | 23,031 | 441 | 19·14 | 105 | 4·52 |
| 1891 | 24,400 | 481 | 19·71 | 172 | 7·04 |
| 1892 | 25,800 | 540 | 20·93 | 252 | 9·76 |
| 1893 | 27,200 | 524 | 19 26 | 284 | 10·44 |

# APPENDIX No. 95.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the City of Lowell, Mass., U.S., for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| September 30, 1880 | 59,475 | | | | |
| *a*1889 | 75,600 | 4,305 | 56·94 | 3,219 | 42·57 |
| *b*1890 | 77,696 | 3,836 | 49·35 | 2,787 | 35·87 |
| *a*1891 | 78,000 | 4,803 | 61·57 | 3,658 | 46·89 |
| *a*1892 | 80,500 | 6,043 | 75·06 | 4,684 | 58·18 |
| *a*1893 | 83,000 | 5,540 | 66·74 | 4,159 | 50·10 |

*a*. Under license. *b*. No license.

# APPENDIX No. 96.

INSTRUCTIONS TO APPLICANFS FOR LICENSE TO SELL INTOXICATING LIQUORS.

OFFICE OF THE BOARD OF POLICE,
No. 7 PEMBERTON SQUARE, BOSTON, 4th March, 1893.

The board of police for the City of Boston is now ready to receive applications at their office for licenses to sell intoxicating liquors, under the public statutes and amendments thereto, and hereby gives notice that the fees for licenses have been fixed to the following rates for the year commencing 1st May, 1893, and ending 30th April, 1894.

For Licenses of the 1st class, to sell all kinds of intoxicating liquors, to be drunk on the premises:

| | |
|---|---|
| A. Innholders | $1,500 00 |
| B. Innholders | 1,200 00 |
| Common victuallers | 1,000 00 |

For Licenses of the 2nd and 3rd class, to sell malt liquors, cider and light wines, containing not more than 15 per centum of alcohol, to be drunk on the premises:

| | |
|---|---|
| Common victuallers | 500 00 |

For Licenses of the 4th class, to sell all kinds of liquors not to be drunk on the premises:

| | |
|---|---|
| Grocers | 300 00 |
| Wholesale druggists | 300 00 |
| A. Wholesale dealers (only to be issued in conjunction with a first-class victualler license) | 300 00 |
| B. Wholesale dealer | 1,000 00 |
| For Licenses of the 4th class, to distillers | 1,000 00 |

For Licenses of the 5th class, to sell malt liquors, cider and light wines, containing not more than 15 per centum of alcohol, not to be drunk on the premises:

| | |
|---|---|
| Bottlers | $ 500 00 |
| Brewers | 1,000 00 |
| For Licenses of the 6th class, to druggists | 1 00 |
| Special club license | 50 00 |

Licenses cannot be transferred during the year from one person to another.

The board of police requests that all persons now holding licenses and expecting to obtain new licenses for the ensuing year, will make their applications during the months of March and April. And the board hereby gives further notice that licenses will be issued in April, and all persons doing business will be compelled to have their licenses posted in their places of business the first day of May.

ALBERT T. WHITING.
WILLIAM H. LEE. } Board of police.
WILLIAM M. OSBORNE.

# APPENDIX No. 97.

POLICE DEPARTMENT OF THE CITY OF BOSTON,
OFFICE OF THE BOARD OF POLICE,
No. 7 PEMBERTON SQUARE,
189 .

The board of police for the City of Boston, pursuant to the provisions of section 16, chapter 100 of the Public Statutes, have decreed a forfeiture of the class license held by at it having been made to appear after due notice to the licensee and reasonable opportunity for him to be heard, that he has violated, or permitted to be violated, the conditions of said license.

By order of the board of police,

*Clerk of the board.*

I certify that on this day of one thousand eight hundred and ninety- , I served an original notice, of which the within is a true copy by

Suffolk, ss. BOSTON, 189 .

Subscribed and sworn to
Before me,

*Justice of the peace.*

# APPENDIX No. 98.

POLICE DEPARTMENT OF THE CITY OF BOSTON.
BOARD OF POLICE,
7 PEMBERTON SQUARE.

No.

189 .

To

No.

SIR,—The board of police will issue to you a license of the class upon the receipt by them of the certificate of the city collector, that you have deposited with him the sum of dollars, as a license fee, and of the city treasurer that that you have filed a satisfactory bond in accordance with section 13, chapter 100, of the public statutes, and acts in addition thereto and amendments thereof. And also, upon condition that your place of business shall be closed on the Lord's day.

Please find enclosed blank bonds to be filled by you and presented, with this notice, to the city treasurer, at city hall. After approved by him, you will pay the fee to the city collector, at city hall, and bring the receipt to the clerk of the board of police, forthwith.

Respectfully yours,

*Clerk of the board.*

If the license fee is not paid within ten days from the date, the application will be cancelled.

# APPENDIX No. 99.

BOND FOR LICENSE.

[PUBLIC STATUTES, C. 100. § 13.]

*Chap.* 283, *Acts of* 1888.

Know all men by these presents, that we of the City of Boston, and County of Suffolk, as principal, and of and of as sureties, are held and firmly bound unto the treasurer of the City of Boston, in the sum of one thousand dollars, to which payment, well and truly to be made we bind ourselves and our legal representatives.

Sealed with our seals, this day of , A.D., 189 .

The condition of this obligation is such that whereas the above bounden has this day been licensed by license No. by the board of police for the City of Boston, in the County of Suffolk, now if the said shall well and truly comply with all the provisions of law under which said license is issued, and shall also pay all damages incurred by violation of such provisions of law, then this bond shall be void; but otherwise in force.

Executed in presence of

[Seal.]
[Seal.]
[Seal.]

# APPENDIX No. 100.

STATEMENT OF SURETY ON LICENSE BOND.

*Given under Chapter 100 of the public statutes.*

My name is , I am over twenty-one years of age, I reside in at No. Street, and am engaged in business as at No. Street.

The cash value of my real estate above all incumbrances is not less than dollars, and it is situated in .

The cash value of my personal property above all incumbrances is not less than dollars, and consists of in .

The cash value of my real and personal property, above all incumbrances and above all my liabilities, is not less than dollars.

I am surety on bonds and obligations of every kind, except license bonds, for not more than dollars.

I am surety on other license bond under chapter 100 of the public statutes.

COMMONWEALTH OF MASSACHUSETTS.

Suffolk, ss. BOSTON, 189 .

Then personally appeared the above-named to me known to be the person who signed the foregoing statements, and made solemn oath that said statements are true.

Before me,

*Justice of the peace.*

# APPENDIX No. 101.

POLICE REPORT.

ON APPLICATION FOR LICENSE AS A COMMON VICTUALLER AND INN-HOLDER WITHOUT LIQUOR.

Name of applicant:
Street and number:
Part of premises for which a license is wanted:
Has license ever been revoked?
Has he been convicted of selling liquor?
What is the principal business of the applicant?
Does the applicant do a victualling business?
Has the applicant the facilities for doing a victualling business? State fully.
Name and residence of the owner of the premises?
Have the premises been licensed for victualling during the past year?
Do you approve of the place being licensed to do business on the Lord's day
Date of examination:
Name of examining officer:
Respectfully forwarded:
* Approved:

*Capt. of Police Division No.*

*Give reasons for disapproval.

# APPENDIX No. 102.

## POLICE REPORT.

### ON APPLICATION FOR LICENSE AS INN-HOLDER, VICTUALLER, OR TO SELL INTOXICATING LIQUORS.

1. Name of applicant:
2. Street and number:
3. Part of premises for which license is wanted:
4. Reputation of applicant:
5. Reputation of locality:
6. Has the applicant ever been licensed before? If so, when and where?
7. Has the license of this applicant ever been forfeited?
8. Has he been complained of before the board of police for violation of the conditions of this license? If so, when?
9. Has he ever been convicted in court of violating his license? If so, when—in what court—and who was the complainant?
10. Has he been prosecuted for selling without license? When, and what was the result?
11. Is there a bar on the premises? State particularly.
12. Are there any arrangements about the premises which would be favourable to a violation of the law, especially on Sundays? State particularly all matters showing anything relative to this inquiry.
13. What was the principal business of the applicant? State fully.
14. What other business on the premises? State fully in detail.
15. If the application is for an inn-holder's or victualler's license, state the facilities for doing business. State fully.
16. If the application is for a 4th or 5th class license, is there any appearance of an intention to sell liquors to be drunk on the premises, such as glasses, bar, or a screen? State particularly.
17. Have the premises been used either openly or secretly for carrying on any Sunday business during the past year? State fully.
18. Name of owner of premises, if known. Name the residence and place of business.
19. Do any householders in the immediate vicinity object to granting the license? Of how many neighbours have you inquired? Name them and give street and number.
20. If there are any other liquor shops in the immediate vicinity, state the number and nearness.
21. If the applicant is a woman, is she married? Has she any children? What is her husband's business? What does he earn per day?
22. If this applicant held a victualler's license this year or last, did he do a victualler's business? State fully
23. Have the premises been licensed this or last year? If so, who held the license, and what was the reputation of the place?
24. Are there any interior passages between the part of the building asked to be licensed and any part of said building used as a dwelling?
25. Is there any other mode of egress from, or ingress to, the premises than that mentioned in the application? If so, describe it.
26. Is there a school-house on the same street? If yea, how many feet distant from any part of the premises described in this application?

27. Date of examination,
28. Name of examining officer,

189 .

Respectfully forwarded,

approved : Capt. Police Division No.

Reason for disapproval,

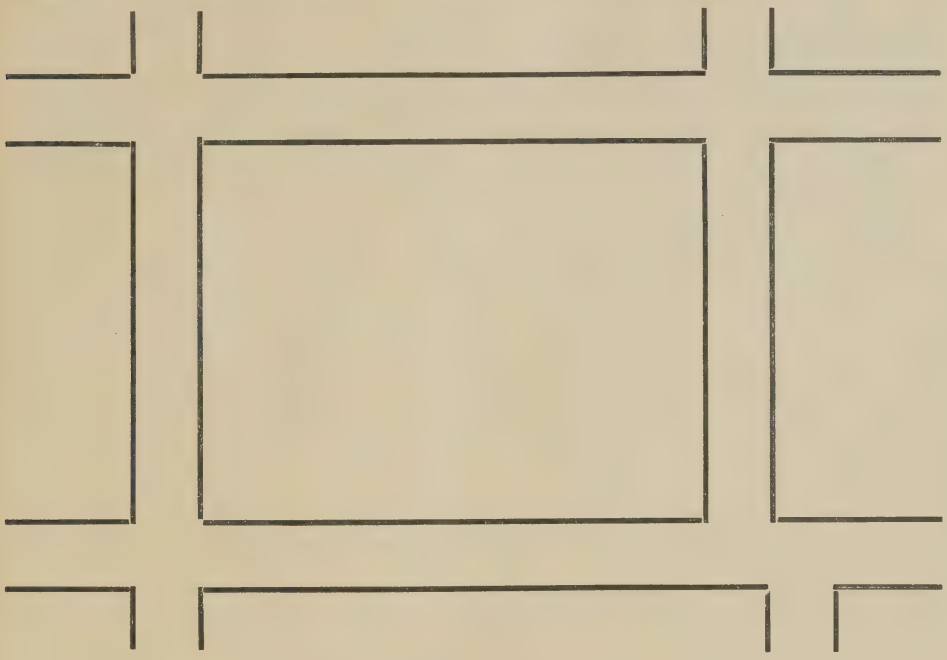
PLAN OF PREMISES.

No. Street.

Application for a class license.

Name of applicant,

The examining officer will make on the following diagram a plan of the premises examined, showing the location of all doors and windows and the position of the bar or counters and any interior screens or partition. Show interior passages, if any, and give names of surrounding streets and passageways. Designate plainly any doors that ought ty be permanently closed. Make any explanation under the head of remarks.



REMARKS.

# APPENDIX No. 103.

## POLICE REPORT.

### ON APPLICATION FOR A LICENSE AS A DRUGGIST.

Name of applicant.
Street and number.
Part of premises for which a license is wanted.
Is the applicant a registered pharmacist?
Is the applicant's certificate of registration displayed on the premises?
Reputation of the applicant.
Reputation of the locality.
Has the applicant been licensed as a druggist in this city before?
If so, when and where?
Has his license ever been forfeited?
What is the principal business of the applicant?
What other business does he do on these premises?
Give name and address of the owner of the premises.
Does any person owning property adjoining the premises object to a license being granted to the applicant?
Is the interior arrangement of the premises favorable for the unlawful sale of liquor?
Date of examination.
Name of examining officer.
Respectfully forwarded.
* approved.

*Captain of Police Division N. O.—.*

*Give reasons for disapproval.

# APPENDIX No. 104.

## THE PROHIBITORY LAW OF MAINE

### AS AMENDED BY THE LEGISLATURES OF 1885, 1887, 1889, 1891 and 1893.

### CHAPTER 17.

#### NUISANCES.

R. S. as amended by laws 1891, c. 98. Common nuisances. 1880, c. 247. s. 1. 1873, c. 152. 63 Me., 219. 64 Me., 529. 65 Me., 295, 430. 69 Me., 419. 67 Me., 125. 69 Me., 136. 74 Me., 153. 75 Me., 123. 78 Me., 193, 439.

Section 1.—All places used as houses of ill-fame, or for the illegal sale or keeping of intoxicating liquors, or resorted to for lewdness or gambling; all houses, shops or places where intoxicating liquors are sold for tippling purposes, and all places of resort where intoxicating liquors are kept, sold, given away, drank, or dispensed in any manner not provided for by law, are common nuisances. The supreme court shall have jurisdiction in equity, upon information filed by the county attorney or upon petition of not less than twenty legal voters of such town or city, setting forth any of the facts contained herein, to restrain, enjoin or abate the same, and an injunction for such purpose may be issued by said court or any justice thereof.

Punishment. R. S., ch. 17, s. 2.

Section 2.—Whoever keeps or maintains such nuisance, shall be fined not exceeding one thousand dollars, or imprisoned in jail not more than one year.

Lease void R. S. ch. 17, s. 3. —owners may enter or he may apply ch. 94. 56 Me., 323. 68 Me., 545.

Section 3.—If any tenant or occupant, under any lawful title, of any building or tenement not owned by him, uses it or any part thereof for any purpose named in section one, he forfeits his right thereto, and the owner thereof may make immediate entry, without process of law, or may avail himself of the remedy provided in chapter ninety-four.

Liability of owner, R. S. ch. 17, s. 4. 67 Me., 125. —punishment.

Section 4.—Whoever knowingly lets any building or tenement owned by him, or under his control, for any purpose named in section one, or knowingly permits the same or part thereof to be so used, is guilty of aiding in the maintenance of a nuisance, and shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not less than thirty days nor more than six months.

### CHAPTER 27.

#### STATE AGENCY FOR SALE OF INTOXICATING LIQUORS.

State Commissioner how appointed. R. S. ch. 27, s. 15. amended by laws 1887, ch. 140, s. 1. 68 Me., 189. —term of office. —salary of.

Section 15.— The governor, with the advice and consent of the council, shall appoint a commissioner to furnish municipal officers of towns in this state, and duly authorized agents of other states, with pure, unadulterated, intoxicating liquors, to be kept and sold for medicinal, mechanical and manufacturing purposes. Said commissioner shall reside and have his place of residence in this state, and hold his office during the pleasure of the governor and council and until another is appointed in his stead, and be paid an annual salary of fifteen hundred dollars, payable quarterly out of the state treasuary. He shall be allowed rea-

—expenses of office.

sonable expenses of office, and present his account, under oath, with vouchers therefor, to the governor and council, annually, in December to the last day of the preceding month, who shall audit the same and direct payment from the state treasury. He shall not sell to municipal officers of this state, any intoxicating or fermented liquors except such as have been tested and found to be pure by a competent assayer, under a penalty of not less than fifty nor more than two hundred dollars, to be recovered by indictment. He shall take of such officers, for such pure and unadulterated liquors sold to them, six per cent above the cost thereof, at the place where they were by him purchased, and pay the same over to the state treasurer, on or before the first day of January, annually. He shall, before entering upon the duties of his office, give a bond to the treasurer of state, in the penal sum of not less than ten thousand dollars, for the benefit of such towns as may be injured by a breach of the conditions, for the faithful performance of his duties and compliance with such regulations and conditions as the governor and council prescribe. In case of his resignation, removal from office, or death, and the appointment of a successor, the stock of liquors remaining on hand at the time of his resignation, removal or death, shall be taken at cost by the new commissioner, and he shall, before entering upon his office, pay for the same in cash or settle therefor, to the satisfaction of his predecessor or his legal representatives.

—penalty for selling impure liquors.

he shall take a commission of 6 per cent, and pay the same into state treasury.

—shall give bond.

—in case of resignation, removal, or death, successor shall take and pay for liquor.

Section 16.—Immediately after appointing such commissioner, the governor shall issue to the municipal officers of towns, a notice of his same and place of business, and such officer shall buy such intoxicating liquors as they may keep on sale for the purpose specified herein, of such commissioner or of such other municipal officers as have bought such liquors of him, and of no other person.

Notice of appointment to town officers. R. S., c. 27, s. 15. 68 Me., 189.

—liquors, of whom to be bought. 1877, c. 215, s. 2.

Section 17.—If a municipal officer buys any intoxicating liquors to be sold according to law, of any other persons except those specified in the preceding section, or if he or any person in his employment, or by his direction, sells or offers for sale any such liquors that have been decreed to be forfeited, or causes any intoxicating or malt liquors which he or they keep for sale, to be adulterated, by mixing with the same any colouring matter, drug or ingredient, or mixes the same with other liquors of a different kind or quality, or with water, or sells or exposes for sale liquor so adulterated, knowing it to be such, such offender forfeits to the town to which he belongs, not less than twenty nor more than one hundred dollars, to be recovered by indictment.

Penalty for buying liquors contrary to law. R. S. c. 27, s. 16, 68 Me., 189, 190.

or for adulterating or diluting them.

—how recovered.

Section 18.—Said commissioner shall keep a record of the names of the towns to which liquors are sold, and of the persons buying for said towns, the kind and quantity of liquor sold to each, and the price paid for the same, and shall make report thereof to the governor and council annually in December, to the last day of the preceding month, to be by them laid before the legislature. And said commissioner shall, under oath, on the first days of March, June, September and December, furnish a printed statement of all liquors purchased by him, enumerating the different kinds and the quantity of each kind, the prices paid and the terms of payment; also, the names of the parties of whom the liquors were purchased, and their place of business and date of purchase, which statement shall be sent by mail at the end of each quarter, to each town that purchases at his establishment.

Commissioner to keep record of sales. R. S., ch. 27, s. 17.

—to report annually to governor and council.

—to mail quarterly statement to purchasing towns.

Section 19.—Agents of towns authorized to sell intoxicating liquors shall keep a record in a suitable book, of the amount of intoxicating liquors purchased by them, specifying the kind and quantity of each, the price paid, and of whom purchased; and they shall also keep a

Municipal agents to keep record of sales. R. S. ch. 27, s. 19.

record of the kind and quantity of liquors sold by them, the date of sale and the price, the name of the purchaser and the price for which it was sold; specifying in case such sale is made to the municipal officers of any other town, the name of such town, which record shall be open to inspection. And if such agent fails to keep such record, he forfeits to his town for every such offence not less than ten nor more than twenty dollars, to be recovered on complaint or indictment. Whoever knowingly misrepresents to said agent the purposes for which he purchases such liquors, forfeits to his town twenty dollars, to be recovered on complaint or indictment.

to be open for inspection. failure or neglect, penalty, for. how recovered fines to whom paid. false representation to agent. penalty how recovered.

Section 20.—No contract made under this chapter shall pledge the credit of the state for the payment of any sum to said commissioner, or for the payment of any liquors purchased by him.

State credit not pledged to pay for liquors. R.S., c. 27, s. 19.

CITY AND TOWN AGENCIES.

Section 21.—The selectmen of any town, and mayor and aldermen of any city, may, on the first Monday of May, annually, or as soon thereafter as convenient, buy such quantity of intoxicating liquors as is necessary to be sold under this chapter, and may appoint some suitable person, agent of said town or city, who shall not be one of the municipal officer of said town or city, to sell the same at some convenient place therein, to be used for medicinal, mechanical and manufacturing purposes, and no other; such agent shall receive such compensation for his services and in the sale of such liquors, shall conform to such regulations not inconsistent with law, as the board appointing him prescribes, and shall hold his situation for one year, unless sooner removed by them, or their successors. Vacancies occurring during the year, shall be filled in the same manner as original appointments are made. No such agent shall have any interest in such liquors or in the profits of the sale thereof. He may sell intoxicating liquors to such municipal officers, to be by them disposed of, in accordance with this chapter.

Municipal officers to purchase. 1872, c. 59. Sec. 16. 1887, ch. 140, s. 11. 48 Me., 553. 51 Me., 255. agents to be appointed to sell for certain purposes. 42 Me., 307. 67 Me., 61. 68 Me., 189. —their pay and duty. Term. —vacancies, how filled. —not to be interested.

Section 22.—Such agent shall receive a certificate from the board by which he is appointed, authorizing him as the agent of such town or city to sell intoxicating liquors for medicinal, mechanical and manufacturing purposes only; but it shall not be delivered to such agent until he has executed and delivered to said board a bond, with two sufficient sureties, in the sum of six hundred dollars, in substance, as follows:

Agents must have a certificate. R. S., ch. 27, s. 27. 40 Me., 310. —give bond. 67 Me., 61.—amount. —form.

"Know all men, that we , as principal, and and , as sureties, are held and stand firmly bound to the inhabitants of the town of ," (or city as the case may be) "in the sum of six hundred dollars, to be paid to them, to which payment we bind ourselves our heirs, executors and administrators, firmly by these presents.

Sealed with our seals, and dated this day of , 18—.

The condition of this obligation is such, that whereas the above bounden has been duly appointed an agent for said town (or city) "to sell intoxicating liquors for medicinal, mechanical and manufacturing purposes and no other, until the of , 18—, unless removed from said agency: now if said shall in all respects conform to the provisions of law relating to the business for which he is appointed, and to such regulations as are or shall be from time to time established by the board making the appointment, then this obligation shall be void; otherwise shall remain in full force."

—condition of bond.

Section 23.—No person authorized as aforesaid to sell intoxicating, liquors, shall sell the same to any minor without the written direction of his parent, master or guardian, to any Indian, soldier, drunkard, intoxicated person, or to any person described in section four of chapter sixty-seven

Agents not to sell to minors Indians, soldiers, drunkards, &c.

R. S., c. 27, s. 52.

as being liable to guardianship, knowing either of them to be of the condition herein prescribed; nor to any intemperate person, of whose habits he has been notified by his relatives, or by the aldermen, selectmen or assessors, of any city, town or plantation. And proof of notice so given by said officers or by their authority, is conclusive of the fact of the intemperate habits of such person, in any prosecution or suit under this chapter; and notice so given by the relatives of such person is presumptive evidence of such habits.

—notice by town officers, sufficient evidence.

—by relatives, presumptive.

—town officers to give notice to agents on information.

R. S., c. 27, s. 53.

Section 24.—Whenever such municipal officers are informed by they relatives of any person that he is of intemperate habits, and are satisfied that such is the fact, they shall forthwith give notice thereof, to all persons authorized to sell intoxicating liquors within their respective towns, and in such adjoining places as they deem expedient.

Commissioner or agents violating law, how punished.

R. S., c. 27, s. 54.

—liable also on bond.

—duty of town officers to sue bond.

—chancery powers of court.

—authority to sell, to be revoked on conviction or violation s. 27.

Section 25.—Any person, authorized as aforesaid, who violates section thirty-three shall be fined twenty dollars for every such offence, and shall also be liable, notwithstanding such punishment, to a suit upon his bond; and the aldermen, selectmen or assessors, of the city, town or plantation to which such bond was given, shall cause the same to be sued and prosecuted to judgment and satisfaction in behalf of the city, town or plantation. The court by which judgment is rendered upon any bond required by this chapter, has such chancery powers therein as the supreme judicial court has in cases of forfeiture of penalties to the state. Whenever such a conviction is obtained or judgment recovered as aforesaid, the authority of such person to sell intoxicating liquors is vacated; and such aldermen, selectmen or assessors shall revoke such authority whenever they are satisfied of the violation of any of its conditions.

Liquors owned by towns or kept by agents, casks, and vessels to be marked.

R. S. c. 27, s. 51.

68 Me., 190.

—not so owned may be seized although marked.

—false marks conclusive, and liquors forfeited.

—adulterated or factitious, not protected.

Section 26.—No such liquors owned by any city, town or plantation, or kept by agent thereof, as provided by law, are protected against seizure and forfeiture, under the provisions hereof, by reason of such ownership, unless all casks and vessels in which they are contained are at all times conspicuously marked with the name of such municipality and of its agent. When such liquors are seized, bearing such marks as are herein required, if such liquors are in fact not owned by any such municipality, such false and fraudulent marking is conclusive evidence that the same are kept or deposited for unlawful sale, and renders them liable to forfeiture under this chapter. The liquors kept for sale by such agents shall not be adulterated or factitious; and they shall not be protected from seizure and forfeiture by reason of being kept for sale by such agents, if they have knowledge that the same are adulterated or factitious.

Unfaithful agents forever disqualified.

1872, c. 73, s. 25.

Section 27.—If an agent appointed under section twenty-one to sell intoxicating liquors is convicted of a violation of this chapter, he is forever thereafter disqualified from holding such office.

## MANUFACTURE OF INTOXICATING LIQUORS FOR SALE.

Manufacturing for sale, 1877, c. 215, s. 2.

—and sale punished.

1877, c. 215, s. 3, see s. 51, 69, Me., 134.

Section 28.—Whoever manufactures for sale any intoxicating liquor, except cider, and whoever sells any intoxicating liquor manufactured by him in this state, except cider, shall be imprisoned two months and fined one thousand dollars.

Section 29.—This chapter does not apply to the sale of unadulterated cider, unless the same is sold to be used as a beverage or for tippling purposes.

Sale of pure cider regulated, 1881, c. 89. 1880, c. 247, s. 3. R. S. amended 1887, c. 140, s. 2.

LIQUOR PEDDLING AND LIQUORS IN TRANSIT.

Section 30.—No person shall travel from town to town, or from place to place, in any city, town or plantation, on foot or by public or private conveyance, either by land or water, carrying for sale or offering for sale, or obtaining or offering to obtain, orders for the sale or delivery of any intoxicating or fermented liquors, in any quantity, under a penalty of not less than twenty or more than five hundred dollars and costs, for each offer to take an order, and for each order taken, and for each sale so made, to be recovered on complaint or by indictment; half to the complainant and half to the county in which the offence is committed; and in default of payment thereof, said persons shall be imprisoned for a term of not less than two nor more than six months.

Travelling liquor pedlars and dealers punished. R. S. c. 27, s. 20. 64 Me., 425. 65 Me., 136. R. S. c. 27, s. 30, amended. 1885, c. 366, s. 1. 68 Me., 420. —penalty, how recovered. —to whom it accrues.

Section 31.—No person shall knowingly bring into the state or transport from place to place in the state, any intoxicating liquors, with intent to sell the same in the state in violation of law, or with intent that the same shall be sold by any person, or to aid any person in such such sale, under a penalty of not less than $50 nor more than $100, and sixty days imprisonment. Any servant, agent or employee of any railroad corporation, or of any express company doing business in this state, who shall remove any intoxicating liquors from any railroad car at any place other than the usual and established stations, depots or places of business of such railroad corporation, or who shall aid in or consent to such removal, shall be subject to a penalty of fifty dollars for every such offense; provided, that said penalty shall not apply to any liquor in transit when changed from car to car to facilitate transportation. All such liquors intended for unlawful sale in the state, may be seized while in transit and proceeded against the same as if they were unlawfully kept and deposited in any place. And any steamboat, railroad or express company knowingly transporting or bringing such liquors into the state shall be punished, upon conviction, by a fine not exceeding $200 and costs for each offence. Knowledge on the part of any authorized agent of such company shall be deemed knowledge of the corporation.

Intoxicating liquors not to be brought into the state for unlawful sale. 1875, c. 42, s. 1. penalty. 74 Me., 562. removal of, by any employee of R. R. or express company, from car at any place other than usual, etc., prohibited. penalty. —may be seized while in transit. penalty if any steamboat, R. R. or express company brings such liquors into the state. R. S. c. 27, s. 31, amended by laws. 1887, c. 140, s. 3, and further amended. 1891, c. 112, s. 2.

Section 32.—Municipal and police judges and trial justices within their counties, have concurrent jurisdiction with the supreme judicial and superior courts in all offences arising under sections fifteen to twenty-three inclusive and section thirty, and may punish by fine when the penalty does not exceed twenty dollars.

Magistrates have concurrent jurisdiction with supreme and superior. R. S. c. 27, s. 21.

UNLAWFUL SALE OF LIQUORS. COMMON SELLERS. DRINKING HOUSES AND TIPPLING SHOPS. SEARCH AND SEIZURE. DRUNKENNESS.

Sales of intoxicating liquors prohibited. Intoxicants defined. 1880, c. 247, s. 2. 1881, c. 89. See c. 17, ss. 1 2, 3, 4. R. S. amended by laws. 1887, c. 140, s. 4. See c. 17, ss. 1, 2, 3, 4. R. S. as amended by laws 1887, c. 140, s. 5.

Section 33.—No person shall at any time, by himself, his clerk, servant or agent, directly or indirectly, sell any intoxicating liquors, of whatever origin, except as herein before provided; wine, ale, porter, strong beer, lager beer, and all other malt liquors, and cider when kept or deposited with intent to sell the same for tippling purposes, or as a beverage, as well as all distilled spirits, are declared intoxicating within the meaning of this chapter; but this enumeration shall not prevent any other pure or mixed liquors from being considered intoxicating.

Penalties for selling liquors in violation of laws, R. S. c. 27, s. 28. 65 Me., 326, 247-8.

Section 34. Whoever by himself, clerk, servant or agent, sells any intoxicating liquors in this state, in violation of law, shall pay a fine of no tless than fifty dollars and costs, and in addition thereto be imprisoned thirty days.

Subsequent convictions. —clerk, servant or agent, assisting in violating, subject to the same penalties. R. S. as amended by laws, 1885, c. 366, s. 3, and further by 1887, c. 140, s. 5.

In default of said payment he shall be imprisoned thirty days additional, and on each subsequent conviction he shall be punished by a fine of two hundred dollars and cost, and in addition thereto be imprisoned six months, and in default of payment of said fine and costs, he shall be imprisoned six months additional. Any clerk, servant, agent or other person in the employment or on the premises of another, who violates or in any manner aids or assists in violating any provisions of this act, or any other act relating to intoxicating liquors, is equally guilty with the principal and shall suffer like penalties.

Common sellers. Punishment. R. S. c. 27, s. 29. See s. 52.

second and subsequent convictions.

Section 35.—No person shall be a common seller of intoxicating liquors. Whoever violates this section shall be fined one hundred dollars and imprisoned thirty days, or instead of such fine he may be imprisoned sixty days additional. On a second and every subsequent conviction, he shall be fined two hundred dollars and imprisoned four months, and in default of payment of fine and costs, he shall be punished by four months additional imprisonment.

Who not common sellers. R. S., c. 27, s. 30. R. S. as amended by laws 1885, c. 366, s. 4, by 1887, c. 140, s. 7 and by 1891, c. 132, s. 3.

Section 36.—Persons selling by authority of and according to sections fifteen and twenty-one are not common sellers.

Drinking houses prohibited. R. S. c. 27, s. 31. 69 Me., 135. —defined. 48 Me., 217. See c. 17, ss. 1, 2, 3, 4. See s. 51. penalty. 45 Me., 436. 53 Me., 539.

Section 37.—No person shall keep a drinking house and tippling shop. Whoever sells intoxicating liquors in any building, vessel or boat, contrary to law, and the same are there drank, is guilty of keeping a drinking house and tippling shop, and upon conviction thereof shall be fined one hundred dollars and costs, and in addition thereto be imprisoned sixty days. In default of payment of said fine and costs, the party shall suffer an additional imprisonment of sixty days.

Possession or deposit with intent to sell prohibited. R.S.,c.27,s.33.

Section 38.—No person shall deposit or have in his possession intoxicating liquors with intent to sell the same in the state in violation of law, or with intent that the same shall be so sold by any person, or to aid or assist any person in such sale.

Liquors for unlawful sale, forfeited. R.S.,c.27,s.34. 33 Me., 561. 47 Me., 427. 54 Me., 37. 55 Me., 424. 56 Me., 91-92. 63 Me., 227. 65 Me., 102. 556 68, Me. 420. 71 Me., 357

Section 39.—Intoxicating liquors kept and deposited in the state, intended for unlawful sale in the state, and the vessels in which they are contained, are contraband and forfeited to the cities, towns or plantations in which they are so kept at the time when they are seized under this chapter. And in all cases where an officer may seize intoxicating liquors or the vessels containing them, upon a warrant, he may seize the same without a warrant, and keep them in some safe place for a reasonable time until he can procure such warrant.

Warrants of search and seizure may be granted on complaint. R. S. as amended by law 1887,c.140. s. 8 and further 1891, c. 132,s.4 1880,c.257, s.7. See s. 51. 33 Me , 530, 561, 569. 38 Me., 288. 42 Me., 305. 46 Me., 526. 47 Me., 360, 392, 429. 48 Me., 581. 49 Me., 286. 53 Me., 173. 54 Me., 36. 56 Me., 92. 62 Me., 224, 422. 64 Me., 430, 537. 66 Me., 130. 67 Me., 425. 68 Me., 410, 411, 421. 71 Me., 454. 74 Me., 562. 70 Me., 201. 78 Me., 37. 79 Me 78-104 78 Me., 401. 81 Me., 34.

Section 40.—If any person competent to be a witness in civil suits, makes sworn complaint before any judge of a municipal or police court or trial justice, that he believes that intoxicating liquors are unlawfully kept or deposited in any place in the state by any person, and that the same are intended for sale within the state in violation of law, such magistrate shall issue his warrant, directing any officer having power to serve criminal process, commanding him to search the premises described and specially designated in such complaint and warrant, and if said liquors are there found, to seize the same, with the vessels in which they are contained, and them safely keep until final action thereon, and make immediate return on said warrant. The name of the person so keeping said liquors as aforesaid, if known to the complainant, shall be stated in such complaint, and the officer shall be commanded by said warrant, if he finds said liquors or has reason to believe that such person has concealed them about his person to search the said person, and if such liquors are found upon his premises or person to arrest him and hold him to answer as keeping said liquors intended for unlawful sale. Any person who may be suspected of selling from, or keeping for illegal sale in his pockets, intoxicating liquors, may be searched in the same manner and by the same process as is provided for the search of places and if liquors are found upon his person, may be held to answer as though such liquors were found upon the person in the premises described in this section. If fluids are poured out or otherwise destroyed by the tenant, assistant or other person, when premises are about to be searched, manifestly for the purpose of preventing their seizure by officers authorized to make such search and seizure, said fluids may be held to have been intoxicating and intended for unlawful sale, and the penalties shall be the same as if said liquors had been seized. If the name of the person keeping such liquors is unknown to the complainant, he shall so allege in his complaint, and the magistrate shall thereupon issue his warrant as provided in the first sentence of this section. If upon trial, the court is of opinion that the liquor was so aforesaid kept and intended for unlawful sale, by the person named in said complaint, or by any other person with his knowledge or consent, he shall be found guilty thereof, and sentenced to a fine of one hundred dollars and costs and in addition thereto be imprisoned sixty days. In default of payment of fine and costs the party shall be imprisoned sixty days additional. The payment of the United States special tax as a liquor seller, or notice of any kind in any place of resort, indicating that intoxicating liquors are there sold, kept or given away unlawfully, shall be held to be prima facie evidence that the person or persons paying said tax, and the party or parties displaying said notices, are common sellers of intoxicating liquors, and the premises so kept by them common nuisances.

persons may be searched.

fluids poured out to prevent seizure, may be held to have been intended for unlawful sale.

—name of person.

—penalty.

—payment of U. S. special tax or liquor seller, shall be prima facie evidence, the person paying such tax a common seller

Duty of officer on seizure. C. S., c. 27, s. 36. 33 Me., 561, 573. 47 Me., 400. 48 Me., 1881 581. 53 Me., 172. 54 Me., 37. libel what to set forth. 62 Me., 265. proceedings of magistrate in case of libel. 61 Me., 523. —notice of hearing.

Section 41.—When liquors and vessels are seized as provided in the preceding section, the officer who made such seizure shall immediately file with the magistrate before whom such warrant is returnable, a libel against such liquors and vessels, setting forth their seizure by him, describing the liquors and their place of seizure, and that they were deposited, kept and intended for sale within the state in violation of law, and pray for a decree of forfeiture thereof, and such magistrate shall thereupon fix a time for the hearing of such libel, and shall issue his monition and notice of the same, to all persons interested, citing them to appear at the time and place appointed, and show cause why said liquors and the vessels in which they are contained should not be declared forfeited, by causing a true and attested copy of said libel and monition to be posted in two public and conspicuous places in the town or place where such liquors were seized, ten days at least before the day to which said libel is returnable.

In case no claimant appears. R. S., c. 27 s. 37. 48 Me., 583.

Section 42.—If no claimant appears, such magistrate shall, on proof of notice as aforesaid, declare the same forfeited to the city, town or plantation in which they were seized. If any person appears and claims such liquors, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the magistrate such claim in writing, stating specifically the right so claimed, and the foundation thereof, the items so claimed, the time and place of the seizure, and the name of the officer by whom the same where seized, and in it declare that they were not so kept or deposited for unlawful sale, as alleged in said libel and monition, and also state his business and place of residence, and shall sign and make oath to the same before said magistrate. If any person so makes claim, he shall be admitted as a party to the process; and the magistrate shall proceed to determine the truth of the allegations in said claim and libel, and may hear any pertinent evidence offered by the libellant or claimant. If the magistrate is, upon the hearing, satisfied that said liquors were not so kept or deposited for unlawful sale, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer having the same in custody, commanding him to deliver to said claimant the liquors to which he is so found to be entitled, within forty-eight hours after demand.

claimant how to proceed. 61 Me., 523. 62 Me., 422. 69 Me., 525. 75 Me., 279. —what shall be stated in claim. —declaration. —oath. —claimant to be admitted as a party. —trial. duty of magistrate if claimant is entitled.

Otherwise, judgment for costs, and liquors forfeited.

appeal.

If the magistrate finds the claimant entitled to no part of said liquors, he shall render judgement against him for the libellant for costs, to be taxed as in civil cases before such magistrate, and issue execution thereon, and shall declare said liquors forfeited to the city, town or plantation where seized. The claimants may appeal and shall recognize with sureties as on appeals in civil causes from a magistrate.

Dwelling house not to be searched except in certain cases. R. S., c. 27, s. 38. 62 Me., 422.

Section 43.—No warrant shall be issued to search a dwelling house occupied as such, unless it, or some part of it, is used as an inn or shop, or for purposes of traffic, or unless the magistrate before whom the complaint is made, is satisfied by evidence presented to him and so alleges in said warrant that intoxicating liquor is kept in such house or its appurtenances, intended for sale in the state in violation of law.

Section 44.—All spirituous and distilled liquors and all other liquors, declared forfeited by any court under this chapter, which shall have been found by said court to contain more than twenty per cent. of alcohol, shall, by order of the court rendering final judgment thereon, be turned over to the sheriff of the county where such seizure was made by any officer competent to serve the process on which they were forfeited and he shall make return accordingly to said court; and said sheriff shall receipt to said officer therefor; said sheriff shall mingle said liquors together and as soon as he has accumulated a quantity equal to five

barrels, he shall ship the same to some responsible rectifying distiller outside of this state and have the alcohol re-distilled therefrom, as is hereinafter provided. Said sheriffs shall annually contract with some responsible rectifying distiller outside the limits of this state to take such liquors and distill the alcohol therefrom and to account for and pay over to the treasurer of the county from which said liquors are received, in cash at an agreed price for each gallon of one hundred degrees strength, determined by the United States internal revenue inspector at place of rectification. Before delivering any liquor under the aforesaid contract, said sheriff shall take a bond, with sureties residing in this state, and to be approved by the treasurer of the county, from said rectifying distiller to the treasurer of his county in the penal sum of one thousand dollars, conditioned that all of said liquors so received under said contract, shall be rectified and the alcohol distilled therefrom, and that the contractor will account for and pay over to the treasurer of said county from which said liquors are received, in cash, the amount due under said contract. In all suits upon bonds given under this section, the damages shall be the full penal sum of said bond. For all services in connection herewith the said sheriff shall receive from the county treasurer five per cent of the net amount received from said contractor. All other liquors declared forfeited by any court under this chapter, shall, by order of the court rendering final judgment thereon, be destroyed by any officer competent to serve the process on which they were forfeited, and he shall make return accordingly to said court. Such liquids shall be destroyed by pouring them on the ground. Vessels forfeited may be sold by said officers at public or private sale, and the proceeds thereof paid into the treasury of such city, town or plantation.

Warrant to be issued against claimant upon oath of complainant. R. S., c. 27, s. 40. amended laws 1891, c. 132 s. 5. – arrest. –trial. punishment.

Section 45.—If complaint is made upon oath to any magistrate against any claimant under this chapter, alleging that the liquors so claimed by him were, prior to, and at the time when the same were seized, kept or deposited by said claimant, or by some person by his authority, and intended for unlawful sale in this state, either by such person, or the said claimant, the magistrate shall issue his warrant against such claimant so charged, and he shall be arrested thereon, and be brought before such magistrate, and on conviction shall be punished as is provided in the preceding section.

R. S. amended laws 1885, c. 366 s. 5. Officer having a warrant, duty of, when prevented, R. S., c. 27, s. 41. 65 Me., 102. --to arrest the alleged owner. --how to make return in such cases. 47 Me., 360. trial of owner. --penalty.

Section 46.—If an officer having a warrant, issued under this chapter, committed to him, directing him to seize any liquors, and to arrest the owner or keeper thereof is prevented from seizing the liquors by their being poured out or otherwise destroyed, he shall arrest the alleged owner or keeper named in the warrent, and bring him before the magistrate, and make return upon the warrant that he was prevented from seizing said liquors by their being poured out or otherwise destroyed, as the case as may be, and in his return he shall state the quantity so poured out or destroyed, as nearly as may be, and the magistrate shall put the owner or keeper so arrested upon trial; and if it is proved that such liquors as were described in the warrant were so poured or destroyed, and that they were so kept or deposited and intended for unlawful sale, and that the person so arrested was owner or keeper thereof, he shall be punished in the same manner as if the liquors described in the warrant and in the return had been seized on the warrant and brought before the magistrate by the officer.

Dumps and appliances for preventing seizure or identification of liquors shall be taken and presented to

All dumps or appliances for concealing, disguising or destroying liquors, so that the same cannot be seized or identified, found in the possession or under the control of any person or persons, shall be taken by the officer making said search or seizure, so far as the same is practicable, together with all bottles and drinking glasses or vessels found in the possession or under the control of any such person or persons, and

grand jury for consideration.

carried before the next grand jury sitting in said county where said seizure and search is made, and the same, together with all evidence of such dumps or appliances for concealing, disguising or destroying liquors, shall be presented to said grand jury for their consideration, and the same shall thereafter be subject to the order of the court issuing the warrant for said search and seizure.

Deputy sheriff dying, &c. R.S.,c.27,s.42.

Section 47.—If any deputy sheriff, after having executed such warrant by a seizure dies or goes out of office before final execution in the proceedings is done, the liquors shall be held in the custody of the sheriff or another deputy. If any other officer dies or goes out of office under like circumstances, the magistrate before whom the proceedings were commenced, shall designate in writing some officer lawfully authorized to execute such a warrant, who shall hold such liquors in his custody until final judgment and order of the court thereon.

—other officer dying, duty of magistrate.

Persons drunk in streets shall be punished.

Section 48.—Any person found intoxicated in any street, highway or other public place, shall be punished for the first offence by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days, and upon any subsequent conviction by imprisonment for thirty days. Any person found intoxicated in his own house, or in any other building or place, who is disturbing the public peace, or the peace of his own or any other family, shall be punished for the first and any subsequent conviction, as provided in the preceding clause of this section. Any such intoxicated person shall be taken into custody by any sheriff, deputy sheriff, constable, marshal, deputy marshal, police officer or watchman, and committed to the watch house or police station or restrained in some other suitable place, until a complaint can be made and a warrant issued against him, upon which he may be arrested and tried.

—person drunk in his own house and disturbing the peace, shall be punished.

—formal arrest and trial.

R.S. amended by laws 1885, c. 366 ; 1887, c. 140 and further by 1891, c. 132 s. 6.

Parties injured by drunken persons, what parties are responsible to. 1872,c. 63, s. 4 66 Me., 472. 67 Me., 519. 69 Me., 84.

Section 49.—Every wife, child, parent, guardian, husband, or other person who is injured in person, property, means of support or otherwise, by any intoxicated person, or by reason of the intoxication of any person, has a right of action in his own name against any one who by selling or giving any intoxicating liquors, or otherwise, has caused or contributed to the intoxication of such person; and in such action the plaintiff may recover both actual and exemplary damages. The owner, lessee, or person renting or leasing any building or premises, having knowledge that intoxicating liquors are sold therein, are liable, severally or jointly with the person selling or giving intoxicating liquors as aforesaid. And in actions by a wife, husband, parent or child, general reputation of such relationship is prima facie evidence thereof, and the amount recovered by a wife or child shall be her or his sole and separate property.

—exemplary damages.

—liability of owner or lessee of building.

—relationship to drunkard, reputation prima facie proof of

## SPECIAL PROVISIONS FOR THE PROSECUTION AND ENFORCEMENT OF THE LAW.

Liquors and vessels seized, not repleviable pending proceedings. 62 Me., 535.

Section 50.—Liquors seized as hereinbefore provided, and the vessels containing them, shall not be taken from the custody of the officer by a writ of replevin or other process while the proceedings herein provided are pending ; and final judgment in such proceedings is in all cases a bar to all suits for the recovery of any liquors seized or the value of the same, or for damages alleged to arise by reason of the seizure and detention thereof.

Final judgment bar to all suits. R.S. c. 27s.43.

Prosecutions, how commenced and conducted. R.S.,c.27,s.44.

Section 51.—Prosecutions for manufacturing liquors in violation of law, for keeping drinking houses and tippling shops, and for being common sellers of intoxicating liquors, shall be by indictment; but in all other prosecutions under this chapter, judges of municipal and police

courts and trial justices have by complaint, jurisdiction, original, and concurrent with the supreme judicial and superior courts. All prosecutions in the supreme judicial and superior courts shall be by indictment. Said magistrates, in cases not within their jurisdiction, may examine and hold to bail. And in appeals from any judgment or sentence before such magistrate, the penal sum in every recognizance shall be two hundred dollars. No recognizance before such magistrate, shall be in a sum less than two hundred dollars; nor in the supreme judicial or superior court in less than five hundred dollars.

8 Me., 113. 54 Me., 566. 60 Me., 107.

—penalties of recognizance.

Section 52.—Every trial justice, recorder, clerk, and judge of a municipal or police court, and every county attorney, having knowledge of a previous conviction of any person accused of violating this chapter, in preparing complaints, warrants, or indictments, shall allege such previous conviction thereon; and, after such indictment is entered in court, no county attorney shall dismiss or fail to prosecute it except by special order of said court. If any trial justice, recorder, clerk, or judge of a municipal or police court, or county attorney, neglects or refuses to allege such previous conviction, or if any county attorney fails so to prosecute, he forfeits one hundred dollars in each case, to be recovered in an action of debt, to be brought by the attorney general in behalf of the state.

Previous convictions to be alleged 1877, c. 215, s. 5

Indictments not to be dismissed, but by special order of court.

—neglect to allege previous conviction, or failure to prosecute, penalty for.

Section 53.—When a person has been convicted in the supreme judicial or superior court, of a violation of this chapter, the county attorney shall have him sentenced at the same term, unless for reasons satisfactory to the court, the case is continued for sentence one term, but no longer.

County attorney to cause speedy sentence. R.S., c. 27, s. 46.

Section 54.—In appeals the proceedings shall be the same in the appellate court as they would be in the court of the magistrate, and shall be conducted in said appellate court by the attorney for the state. The jury shall find specially under the direction of the court, on all facts necessary to determine the adjudication thereof; and if a claimant or other respondent fails to appear for trial in the appellate court, the judgment of the court below, if against him, shall be affirmed. No portion of the penalty of any recognizance taken under so much of this chapter as relates to intoxicating liquors shall be remitted by any court in any suit thereon, nor shall a surety in any such recognizance be discharged from his liability therein by a surrender of his principal in court after he has been defaulted upon his recognizance unless the principal has been actually sentenced upon the indictment or complaint on which the recognizance was taken. The appeals of claimants, provided for in section forty-two, shall be entered as all other appeals in criminal cases, and be subject to the requirements of law appertaining to them.

Appeal, proceedings in case of. 1871, c. 189. Jury to find specially.

Affirmation of judgment.

—recognizances. 33 Me., 537. 37 Me., 161. 48 Me., 581. 49 Me., 286. 60 Me., 105. 61 Me., 117.

—penalty not remitted, nor surety discharged by surrender of principal, unless sentenced 1879, c. 80. 2 Sec. c. 133 s. 5

Section 55.—Custom house certificates of importation, and proofs of marks on the casks and packages corresponding thereto, shall not, in proceedings under this chapter, be received as evidence that the identical liquors contained in said casks and packages were actually imported in said casks and packages.

Custom house certificates, and marks not evidence. R.S. c. 27, s. 48. 49 Me., 287.

Section 56.—No action shall be maintained upon any claim or demand, promissory note, or other security contracted or given for intoxicating liquors sold in violation of this chapter, or for any such liquors purchased out of the state with intention to sell the same or any part thereof in violation thereof; but this section shall not extend to negotiable paper in the hands of a holder for a valuable consideration and without notice of the illegality of the contract.

Action not maintainable for liquors sold or kept in violation of law. R. S., c. 27, s. 50.

—exception.

Section 57.—Whenever an unlawful sale is alleged, and a delivery proved, it is not necessary to prove a payment, but such delivery is

Delivery, evidence of sale.

R.S., c. 27, s. 55. 67 Me., 129. —partner liable. 54 Me., 563.

sufficient evidence of sale. A partner in business is liable for the unlawful keeping or selling of his copartner, done in the copartnership business, or by any other person, in any shop, store or other place of business, of such copartnership, with his knowledge or assent. A principal and his agent, clerk and servant, may all be included in the same complaint and process. The mayor or aldermen, selectmen or assessors, may cause a suit to be commenced on any bond or recognizance given under this chapter in which his city, town or plantation is interested, and the same shall be prosecuted to final judgment unless paid in full with costs. The mayor and aldermen, selectmen, assessors and constables, in every city, town and plantation, shall make complaint and prosecute all violations of this chapter, and promptly enforce the laws against drinking houses. If a municipal officer, after being furnished with a written notice of a violation of this chapter, signed by two persons competent to be witnesses in civil suits, and containing the names and residences of the witnesses to prove such offence, willfully neglects or refuses to institute proceedings therefor, he shall be fined not less than twenty nor more than fifty dollars, to be recovered by indictment. The oath required by any such officer to the complaint may be, in substance, that from a written notice signed by two persons competent to be witnesses in civil suits, he believes the complaint signed by him to be true.

—who may be included in complaint.

Town officers may commence suit on bond.

Duty to prosecute for violation.

—penalty for municipal officers neglecting to prosecute.

If an execution or other final process, issued in any civil or criminal suit instituted under this chapter, is placed in the hands of any proper officer to be by him executed, and he unreasonably neglects or refuses so to do, an action may be commenced against him by any voter in the county, and prosecuted to final judgment, which shall be for the full amount of the judgment and interest on such execution; and if it is a process that requires him to take and commit an offender to prison, the damages shall not be less than fifty nor more than five hundred dollars.

—officer neglecting to execute process, is liable.

What the judgment shall be.

Selectmen of towns herein mentioned include assessors of plantations, and the word town includes plantations.

—assessors

—plantations.

In suits, complaints, indictments, or other proceedings for a violation of any provision of this chapter relating to intoxicating liquors, other than for the first offence, it is not requisite to set forth particularly the record of a former conviction, but it is sufficient to allege briefly that such person has been convicted of a violation of any particular provision, or as a common seller, as the case may be, and such allegation in any criminal process, legally amendable in any stage of the proceeding before final judgment, may be amended, without terms, and as a matter of right. Any process, civil or criminal, legally amendable, may, in any stage of the proceedings, be amended in any matter of form, without costs or motion, at any time before final judgment.

—allegation of previous conviction sufficient. 65 Me., 247, 273. 69 Me., 576-7.

—may be amended, before final judgment.

—any process may be amended as to form.

Persons engaged in unlawful traffic not to sit upon jury. R. S., c. 27, s. 56.

Section 58.—No person engaged in the unlawful traffic in intoxicating liquors is competent to sit as a juror in any case arising under this chapter; and when information is communicated to the court that a member of any panel is engaged in such traffic, or that he is believed to be so engaged, the court shall inquire of the juryman of whom such belief is entertained; and no answer which he makes shall be used against him in any case arising under this chapter; but if he answers falsely, he shall be incapable of serving on any jury; but he may decline to answer, in which case he shall be discharged by the court from all further attendance as a juryman.

—duty of court to inquire.

False answer, effect of.

—may decline

—effect.

Proceedings under this chapter not barred within six years 1874, c. 228. absence deducted.

Section 59.—The offences described in this chapter fall within section fourteen of chapter one hundred and thirty one, and no such offence is barred by any period of time less than six years after the commission thereof. No portion of time during which the offender is not usually and publicly a resident in this state shall be a part of said six years.

Special duty of sheriffs deputies and county attorney, to enforce the laws against the illegal sale of intoxicating liquors and the keeping of gambling places and houses of ill-fame. 1872c. 62, s. 2. 67 Me., 375. —special per diem compensation. R. S., as amended by laws 1891, c. 132, s. 7. —but not during attending court. 1875, c. 54.

Section 60.—Sheriffs and their deputies and county attorneys shall diligently and faithfully inquire into all violations of law, within their respective counties, and institute proceedings against violations or supposed violations of law, and particularly the laws against the illegal sale of intoxicating liquors, and the keeping of drinking houses and tippling shops, gambling houses or places, and houses of ill-fame, either by promptly entering a complaint before a magistrate and executing the warrants issued thereon, or by furnishing the county attorney promptly, and without delay, with the names of alleged offenders and of the witnesses. For services under this section, sheriffs, and their deputies acting under their directions, shall receive the same per diem compensation as for attendance on the supreme judicial court, and the same fees for travel as for the service of warrants in criminal cases, together with such necessary incidental expenses as are just and proper; bills for which shall be audited by the county commissioners, and paid from the county treasury. But said commissioners shall not allow any per diem compensation to said sheriffs or their deputies, for any day for which said sheriffs or their deputies are entitled to fees or compensation for attendance at or service in any court.

Similar duty of county attorneys. 1872,c. 62, s. 3 —governor after hearing, may remove delinquent county attorneys. 1880, c. 247, s. 5.

Section 61.—County attorneys shall cause to be summoned promptly before the grand jury, all witnesses whose names have been furnished them by any sheriff or his deputies, as provided in the preceding section, and shall faithfully direct inquiries before that body into violations of law, prosecute persons indicted, and secure the prompt sentence of convicts. Whenever the governor is, after investigation and hearing of the parties, satisfied that any county attorney has wilfully refused or neglected to discharge the duties imposed upon him by this section, he shall remove him from office, and fill his place by appointment.

When constables may be appointed by governor to enforce c. 17 and 27. 1880, c. 247, s. 4. R. S. amended by laws 1885, c. 366, s. 7.

Section 62.—Upon petition and representation of thirty or more well known tax payers in any county, that chapters seventeen and twenty-seven are not faithfully enforced by county or local officers, the governor and council shall inquire into such representations, and if, in their judgment, they are well founded, the governor, with the advice and consent of council, shall appoint two or more constables for such county, who shall diligently enforce said chapters, and for this purpose such constables shall have like powers and duties as sheriffs and deputies. For such services such constables shall receive the same compensation as sheriff and deputies.

pay.

shall give bonds.

State constables appointed under this section shall give bonds, with sufficient sureties, in the sum of five hundred dollars for the faithful performance of their duties, and said constables may be removed from office by the governor and council for good and sufficient reasons and their places may be filled by appointment.

What forms are sufficient. Costs taxable. R. S., c. 27, s. 57. 59 Me., 384. 65 Me., 247-273. 67 Me., 129. 69 Me., 576

Section 63.—The forms herein set forth, with such changes as adapt them for use in cities, towns and plantations, are sufficient in law, for all cases arising under the foregoing provisions, to which they purport to be adapted; and the costs to be taxed and allowed for the libel, shall be fifty cents; for entering the same, thirty cents; for trying the same, one dollar; for monition, fifty cents; for posting notices and return, one dollar; order to restore or deliver, twenty-five cents; executing the order, fifty cents.

PROVISIONS ADDITIONAL TO THE REVISED STATUTES.

1885, c. 366 s. 8. Penalty for advertising sale of liquors. —to whom it accrues.

Whoever advertises or gives notice of the sale or keeping for sale of intoxicating liquors, or knowingly publishes any newspaper in which such notices are given, shall be fined for such offence the sum of twenty dollars and costs, to be recovered by complaint. One-half of said fine to complainant and other one-half to the town in which said notice is published.

1885, c. 366, s. 9, as amended by c. 44, laws 1887. clerk of courts shall publish disposition of appealed cases and indictments.

It shall be the duty of the clerk of courts, within thirty days after the adjournment of any superior or supreme judicial court, to publish in some newspaper of the county, the disposition of each appealed case and indictment for violations of the laws regulating the use and sale of intoxicating liquors.

Chap. 45, 1891.

All of the provisions of chapter twenty-seven, section twenty-three of chapter one-hundred and thirty-three, and section one of chapter one hundred and thirty-five of the revised statutes, with all amendments thereof, and all additions thereto, so far as they relate to intoxicating liquors, are hereby made to apply to all intoxicating liquor imported in the original package.

NOTE.—The foregoing compilation of the law is edited by Washington R. Prescott, county attorney for Knox county, and a member of Knox bar.

# APPENDIX No. 105.

STATE OF MAINE.

DWELLING. CUMBERLAND, SS.

*To the judge (recorder, the judge being absent from the court room) of our municipal court for the city of Portland, in the county of Cumberland.*

H. E. Goold, of Portland, in said county, competent to be a witness in civil suits, on the day of A.D. 189 , in behalf of said state, on oath complains that he believes that on the day of , in said year at said Portland, intoxicating liquors were and still are kept and deposited by of Portland, in said county, in the dwelling house and its appurtenances situated on the side of street, in said Portland, and numbered on said street, and occupied by said said not being then and there authorized by law to sell said liquors within said state, and that said liquors then and there were and now are intended by said for sale in the state in violation of law, against the peace of the state and contrary to the form of the statute in such case made and provided.

And the said complainant on his oath aforesaid further alleges and complains that the said has been before convicted in the municipal court, for the city of Portland, to wit, on the day of A.D. 18 , of unlawfully keeping and depositing in this state, in said county of Cumberland, intoxicating liquors with the intent that said liquors should be sold in this state in violation of law against the peace of the state and contrary to the form of the statute in such case made and provided.

And the said complainant on his oath aforesaid further alleges and complains that the said has been before convicted in the superior court, at a term of said court begun and holden at Portland, within and for the county of Cumberland, on the first Tuesday of A.D. 18 , to wit, on the day of A.D. 18 , of unlawfully keeping and depositing in this state in said county of Cumberland intoxicating liquors, with the intent that said liquors should be sold in this state in violation of law, against the peace of the state and contrary to the form of the statute in such case made and provided.

HE THEREFORE PRAYS that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and if there found that the said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him.

CUMBERLAND, SS.

On this day of aforesaid, personally appeared the said H. E. Goold and made oath that the above complaint, by him signed, is true.

Before me , said judge.

STATE OF MAINE.

CUMBERLAND, SS.

*To the sheriff of our said county of Cumberland, or either of his deputies, or either of the constables or police officers of the city of Portland, or of either of the towns within said county,* GREETING.

Being satisfied by evidence presented to me that intoxicating liquors intended for sale in the state, in violation of law, are now kept in the premises described and specially designated in the foregoing complaint.

In the name of the state you are commanded to enter the said premises described and specially designated in the foregoing complaint of said which is expressly referred to as a part of this warrant, and therein search for said liquors, and if there found to seize and safely keep the same, with the vessels in which they are contained, until final action and decision be had thereon, and to apprehend the said forthwith (or if you shall have reason to believe that said has concealed said liquors about person , you are hereby commanded to search him , and if said liquors are found upon his person to arrest him), if he may be found in your precinct, and bring him forthwith before said court, holden at the municipal court room in said Portland, to answer to said complaint, and to do and receive such sentence as may be awarded against him.

WITNESS Geo, F. Gould, Esquire, our said judge at Portland aforesaid, this day of in the year of our Lord one thousand eight hundred and ninety .

STATE OF MAINE.

CUMBERLAND, ss. A.D. 189 . By virtue of the within warrant I have entered the within named premises, and therein searched for intoxicating liquors, and found and seized the following described intoxicating liquors, with the vessels in which they are contained, viz:

FEES.

| | |
|---|---|
| Service of warrant | .50 |
| Arrest | .50 |
| Travel | .12 |
| Attending court | .37 |
| Aid | .50 |
| Travel | .08 |
| Conveyance | |

And I have arrested the within named this day of A.D. 189 , and have before the court for trial.

*Deputy Sheriff.*
*Police officer of the city of Portland.*

NOTE.—These fees are not in all cases payable to the sheriff.

No. .....

MUNICIPAL COURT.

COMPLAINT AND WARRANT SEARCH—LIQUORS.

State vs.

189 . *Bill of Costs.*

| | |
|---|---|
| Court: | |
| Complaint and warrant | .50 |
| Entry, &c. | .75 |
| Subpœna | .10 |
| Recognizance | |
| Mittimus | |
| Officer: | |
| Service of warrant | .50 |
| Arrest | .50 |
| Travel | .12 |
| Attending court | .37 |
| Aid | .50 |
| Travel | .08 |
| Conveyance | |
| Witnesses: | .62 |
| | .62 |

# APPENDIX No. 106

STATE OF MAINE.

SHOP. CUMBERLAND, SS.

*To the judge (recorder, the judge being absent from the court room,) of our municipal court for the city of Portland, in the county of Cumberland.*

of Portland, in the said county, competent to be a witness in civil suits on the day of A.D. 189 , in behalf of said state, on oath complains, that he believes that on the day of , in said year, at said Portland, intoxicating liquors were, and still are kept and deposited by of Portland, in said county, in the shop and its appurtenances, situated on the side of street, in said Portland, and numbered on said street, and occupied by said said not being then and there authorized by law to sell said liquors within said state, and that said liquors then and there were, and now are intended by said for sale in the state in violation of law, against the peace of the state and contrary to the form of the statute in such case made and provided.

And the said complainant on his oath aforesaid further alleges and complains, that the said has been before convicted in the municipal court, for the city of Portland, to wit, on the day of A.D., 18 , of unlawfully keeping and depositing in this state, in said county of Cumberland, intoxicating liquors, with the intent that said liquors should be sold in this State in violation of law, against the peace of the state and contrary to the form of the statute in such case made and provided.

And the said complainant on his oath aforesaid further alleges and complains, that the said has been before convicted in the superior court, at a term of said court, begun and holden at Portland, within and for the county of Cumberland, on the first Tuesday of A. D. 18 , to wit, on the day of A.D. 18 , of unlawfully keeping and depositing in this state in said county of Cumberland, intoxicating liquors, with the intent that said liquors should be sold in this state in violation of law against the peace of the state and contrary to the form of the statute in such case made and provided.

HE THEREFORE PRAYS that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and if there found, that the said liquor and vessels be seized and safely kept until final action and decision be had thereon, and that said be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him.

CUMBERLAND, SS.

On this day of aforesaid, personally appeared the said and made oath that the above complaint, by him signed, is true.

Before me, , said judge.

STATE OF MAINE.

CUMBERLAND, SS.

*To the sheriff of our said county of Cumberland, or either of his deputies, or either of the constables or police officers of the city of Portland, or of either of the towns within said county,* GREETING:

In the name of the state, you are commanded to enter the premises described and specially designated in the foregoing complaint of said which is expressly referred to as a part of this warrant, and therein search for said liquors, and, if there found, to seize and safely keep the same, with the vessels in

which they are contained, until final action and decision be had thereon, and to apprehend the said forthwith (or if you shall have reason to believe that said has concealed said liquors about person you are hereby commanded to search him and if said liquors are found upon his person to arrest him ) if he may be found in your precinct, and bring him forthwith before said court, holden at the municipal court room in said Portland, to answer to said complaint, and to do and receive such sentence as may be awarded against him

WITNESS, Geo. F. Gould, Esquire, our said judge at Portland aforesaid, this day of in the year of our Lord one thousand eight hundred and ninety-

STATE OF MAINE.

CUMBERLAND, ss. A.D. 189 . By virtue of the within warrant, I have entered the within named premises, and therein searched for intoxicating liquors, and found and seized the following described intoxicating liquors, with the vessels in which they are contained, viz:

FEES.

| | |
|---|---|
| Service of warrant | .50 |
| Arrest | .50 |
| Travel | .12 |
| Attending Court | .37 |
| Aid | .50 |
| Travel | .08 |
| Conveyance | |

And I have arrested the within named this day of A.D. 189 , and have before the court for trial.

*Deputy Sheriff.*
*Police Officer of the city of Portland.*

NOTE—These fees are not in all cases payable to the Sheriff.

No.....

MUNICIPAL COURT.

COMPLAINT AND WARRANT SEARCH—LIQUORS.

State vs.

189 . *Bill of Costs.*

| | |
|---|---|
| Court: | |
| Complaint and Warrant | .50 |
| Entry, &c., | .75 |
| Subpœna | .10 |
| Recognizance | |
| Mittimus | |
| | |
| Officer: | |
| Service of Warrant | .50 |
| Arrest | .50 |
| Travel | .12 |
| Attending Court | .37 |
| Aid | .50 |
| Travel | .08 |
| Conveyance | |
| | |
| Witnesses: | .62 |
| | .62 |

# APPENDIX No. 107.

STATE OF MAINE.

RAILROAD. CUMBERLAND, ss.

*To the judge (recorder, the judge being absent from the court room,) of our municipal court for the city of Portland, in the county of Cumberland.*

of Portland, in said county, competent to be a witness in civil suits, on the day of A. D., 18 , in behalf of said state, on oath complains, that he believes, that on the day of , in said year, at said Portland, intoxicating liquors were, and still are kept and deposited by of Portland, in said county, in the freight house and in the cars standing on the track in said freight house and in the freight yard of the Railroad Company, Division, said freight yard being situated on the side of street from street in said Portland, said not being then and their authorized by law to sell said liquors within said state, and that said liquors then and there were, and now are intended by said for sale in the state in violation of law, against the peace of the state and contrary to the form of the statute in such case made and provided.

HE THEREFORE PRAYS that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and if there found, that the said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him.

On this day of aforesaid, personally appeared the said and made oath that the above complaint, by him signed, is true.

Before me, said judge.

STATE OF MAINE.

CUMBERLAND, ss.

*To the sheriff of our said county of Cumberland, or either of his deputies, or either of the constables or police officers of the city of Portland, or of either of the towns within said county.* GREETING.

In the name of the state, you are commanded to enter the premises described and specially designated in the foregoing complaint of said which is expressly referred to as a part of this warrant, and therein search for said liquors, and, if there found, to seize and safely keep the same, with the vessels in which they are contained, until final action and decision be had thereon, and to apprehend the said forthwith, (or if you shall have reasons to believe that said has concealed liquors about person you are hereby commanded to arrest the said ) if he may be found in your precinct, and bring him forthwith before said court, holden at the municipal court room in said Portland, to answer to said complaint, and to do and receive such sentence as may be awarded against him.

WITNESS, George F. Gould, Esquire, our said judge at Portland aforesaid, this day of in the year of our Lord, one thousand eight hundred and

STATE OF MAINE.

CUMBERLAND, ss. A. D., 18 . By virtue of the within warrant, I have entered the within named premises, and therein searched for intoxicating liquors, and found and seized the following described intoxicating liquors, with the vessels in which they are contained, viz.:

FEES.

| | |
|---|---|
| Service of warrant | .50 |
| Travel | .12 |
| Attending court | .37 |
| Aid | .50 |
| Travel | .08 |
| Conveyance | |

And I have arrested the within named this day of A. D., 18 , and have before the court for trial.

*Deputy Sheriff.*
*Police officer of the city of Portland.*

No.....

MUNICIPAL COURT.

COMP. AND WAR. SEARCH—LIQUORS, SECOND OFFENCE.

State vs.

18 . *Bill of Costs.*

| | |
|---|---|
| Court: | |
| Complaint and warrant | .50 |
| Entry, &c., | .75 |
| Subpœna | .10 |
| Recognizance | |
| Mittimus | |
| | |
| Officer: | |
| Service of warrant | .50 |
| Travel | .12 |
| Attending court | .37 |
| Aid | .50 |
| Travel | .08 |
| Conveyance | |
| | |
| Witnesses: | |
| | .62 |
| | .62 |

# APPENDIX No. 108.

STATE OF MAINE.

EXPORT. CUMBERLAND, SS.

(*To the judge recorder, the judge being absent from the court room*) *of our municipal court, for the city of Portland, county of Cumberland.*

of Portland, in said county, competent to be a witness in civil suits, on the day of A.D. 189 , in behalf of said state, on oath complains that he believes that on the day of in said year, in said Portland, intoxicating liquors were kept and deposited by of Portland, at said county, in the shop and its appurtenances, situated on the side of street, in said Portland, and numbered on said street, and occupied by said said not being then and there authorized by law to sell said liquors within said state, and that the said liquors then and there were intended by said for sale in this state in violation of law, against the peace of the state and contrary to the form of the statute in such case made and provided.

And the said on oath further complains that he the said at Portland, on the day of A.D. 189 , being then and there an officer, to wit, a deputy sheriff, within and for said county (a police officer of the city of Portland), duly qualified and authorized by law to seize intoxicating liquors kept and deposited for unlawful sale and the vessels containing them, by virtue of a warrant therefor, issued in conformity with the provisions of law, did find upon the above described premises intoxicating liquors as aforesaid, and vessels containing the same, then and there kept, deposited, and intended for unlawful sale as aforesaid, within the state by said and did then and there by virtue of this authority as a deputy sheriff (police officer) as aforesaid, seize the above described intoxicating liquors and the vessels containing the same, to be kept in some safe place for a reasonable time, and hath since kept and does still keep the said liquors and vessels to procure a warrant to seize the same.

And the said complainant on his oath aforesaid further alleges and complains, that the said has been before convicted in the Municipal Court, for the city of Portland, to wit, on the day of A.D. 18 , of unlawfully keeping and depositing in this state, in said county of Cumberland, intoxicating liquors, with the intent that said liquors should be sold in this state, in violation of law and contrary to the form of the statute in such case made and provided.

And the said complainant on his oath aforesaid further alleges and complains, that the said has been before convicted in the superior court, at a term of said court begun and holden at Portland, within and for the county of Cumberland, on the first Tuesday of A.D. 18 , to wit, on the day of A.D. 18 , of unlawfully keeping and depositing in this state, in said county of Cumberland, intoxicating liquors, with the intent that said liquors should be sold in this state in violation of law, and against the peace of the state and contrary to the form of the statute in such case made and provided.

He therefore prays that due process be issued to seize said liquors and vessels, and them safely keep until final action and decision be had thereon, and that said be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against

On the day of aforesaid, the said makes oath that the above complaint, by him signed, is true.

Before me said judge.

STATE OF MAINE.

CUMBERLAND, ss.

*To the sheriff of our said county of Cumberland, or either of his deputies, or either of the constables or police officers of the city of Portland, or of either of the towns within said county.* GREETING.

In the name of the state you are commanded to seize the liquors and the vessel[s] in which they are contained, named in the foregoing complaint of said and now in his custody as set forth in said complaint, which is expressly referred to as part of this warrant, and safely keep the same, until final action and decision be had thereon, and to apprehend the said forthwith, if may be found in your precinct, and bring before said court, holden at the municipal court room at Portland, to answer to said complaint, and to do and receive such sentence as may be awarded against

WITNESS, George F. Gould, Esquire, our said Judge at Portland, aforesaid, this day of in the year of our Lord one thousand eight hundred and ninety-

STATE OF MAINE.

CUMBERLAND, ss.

A. D. 189 . By virtue of the within warrant, I have seized the following described liquors, with the vessels in which they are contained, viz:

FEES.

| | |
|---|---|
| Service of warrant | .50 |
| Arrest | .50 |
| Travel | .12 |
| Attending court | .37 |
| Aid | .50 |
| Travel | .08 |
| Conveyance | |

And I have arrested the within named this day of A.D. 189 , and have before the court for trial.

*Deputy Sheriff.*
*Police Officer of the City of Portland.*

No.....

MUNICIPAL COURT.

COMP. AND WAR. SEARCH—LIQUORS.

State vs.

189 . *Bill of Costs.*

| | |
|---|---|
| Court: | |
| Complaint and warrant | .50 |
| Entry &c. | .75 |
| Subpœna | .10 |
| Recognizance | |
| Mittimus | |
| Officer: | |
| Service of warrant | .50 |
| Arrest | .50 |
| Travel | .12 |
| Attending court | .37 |
| Aid | .50 |
| Travel | .08 |
| Conveyance | |
| Witness: | |
| | .62 |
| | .62 |

# APPENDIX No. 109.

## ABSTRACT OF THE SWEDISH LAW.

The whole of the liquor traffic (including the manufacture) in Sweden is under the control of three laws, viz.:

1. The law of July 13th, 1887, governing the manufacture and sale of brandy.
2. The law of December 31st, 1891, governing the conditions under which brandy and other burnt and distilled spirituous liquors may be sold.
3. The law of October 24th, 1885, governing the sale of wine, malt drinks, coffee, and other prepared and non-spirituous beverages in Sweden.

The following abstract deals with them as they were in force in March, 1893:

The law of July 13th, 1887, controlling the manufacture and sale of brandy in Sweden is divided into five articles, viz.:

Article 1, concerning the license to manufacture and distill brandy.
Article 2, the taxation of brandy and storing in bond.
Article 3, inspection of distilleries and warehouses.
Article 4, responsibility for offences against this law.
Article 5, how the law should be enforced.

Article 1 provides: Section 1 (a) that a manufacturer or distiller must be a person of good repute who owns or leases ground assessed or specially taxed, and who is capable of carrying on the business of manufacture. In case of death or bankruptcy provision is made for the heirs or assigns to carry on the business. The exceptions to this rule are (that is, persons who cannot hold licenses) all officers who may be called on to take part in the regulations relating to the manufacture or inspection of brandy, or the administration or enforcement of the law; whilst (c) dwellings not legally tenanted, or that are the property of the crown are disqualified from being licensed as manufactories of brandy.

Section 2 fixes the legal season for the manufacture of brandy from 12 o'clock on the first week day in October to 12 o'clock on the first week day in May. The manufacture of brandy in connection with the production of German yeast, under conditions sanctioned by the king, can be carried on at all times. Government can suspend all manufacture for a definite time when desirable. (b) Manufacture between 10 p.m. of the day before Sundays and holidays and 10 p.m. of those days is prohibited, except where government sanction is obtained on account of the methods employed.

Section 3. Any size or kind of apparatus may be used in the manufacture under limitations for the sake of inspection.

Section 4.—To obtain a license, written application must be made to the royal governor 14 days before the intended date for opening the business. The application must set forth the intended date for the commencement of business, the place of manufacture, and be accompanied by a certificate of qualification. In case of a company the application must be made by the registered officer of the company. No one convicted of any crime, as stated in sections 23 and 25 can be granted a license.

Section 5.—A licensee changing his mind, and deciding not to commence distilling must notify the governor, and pay all incidental expenses.

Section 6. (a) Any brandy distiller can stop distilling before the end of the usual season, upon giving the inspector written notice at least five days before the intended day of stopping. In case of any serious injury by fire or accident to the building or apparatus the right of manufacture may cease at once upon the distiller notifying the inspector in writing. The inspector shall give receipts for such notices and shall notify the governor and chief inspector thereof. (b) No distillery where work has been closed down can be started up again without new notice

as per section 4 being given. (c) The term "day of distillation" means from noon one day to noon the next.

Section 7.—In case distilling is not commenced within "5 days of distillation" of the time appointed by notice, or in case of the suspension of distillation without due notice, and permission, then the distiller shall pay the cost of inspection for each idle day.

Section 8.—A record of notices and reports shall be sent by the chief inspector to the bureau of inspection of the department of finance.

Section 9.—Refining brandy by special distillation may be done under proper inspection, and after 8 days notice to the chief inspector.

### ARTICLE II. TAXATION AND STORING OF BRANDY.

Section 10.—Provides (a) that brandy of domestic manufacture, after deducting 2 per cent which is exempt, shall be taxed at the rate of 50 öre per litre (i. e. about 12½ cents per quart) of normal strength (i. e. containing 50 per cent af alcohol at 15 degrees of centigrade). (b) the manufacturers' tax shall be paid at the district treasurer's office, each payment being for not less than 1,500 litres (about 396¼ gallons). (c) rebates shall be allowed on all exports at the rate of 51 öre (13c) for every litre of refined brandy; and 50 öre (12½c) for every litre of unrefined brandy of normal strength. (d) the duty on brandy made unfit for consumption (denaturalized) may be rebated; in the case of distilleries licensed for the production of such brandy exemption from taxation may be granted, but a fee for denaturalization is imposed.

Section 11.—(a) If the quantity manufactured for a season does not amount to 8,000 litres (about 2,113 gallons) of taxable brandy a fee of 10 öre per litre (2½c. per quart) less than the quantity mentioned shall be paid in addition to the other tax; and in case the manufacture has not reached 500 litres (about 132 gallons) or exceeds 5,000 litres (about 1320 gallons) of an average per day of manufacture, a fee of 10 öre shall be paid for every litre that the output shall fall short of, or shall exceed such daily average. These taxes shall be paid during stoppage even under cessation as provided in section 6, and any, or what exemption, shall be at the option of the king. (b) these special fees shall be paid at the district treasurer's office within two weeks of the date of the cessation of the right to manufacture. In case of default the Governor shall proceed to collect by sheriff's sale, and brandy manufactured at the distillery, and in bond at the time of cessation shall be seized in pledge.

Section 12.—(a) 85 per cent of brandy on which taxes have not been paid shall be stored in bonded warehouses as security. The remaining 15 per cent shall be handed over to the manufacturer on condition that the taxes unpaid be paid before the 1st October then next approaching. (b) denaturalized brandy shall not be stored as such security.

Section 13.—Bonded ware-rooms for the storage of brandy as such security shall be provided at each distillery.

Section 14.—(a) Distillers desirous of bonding untaxed brandy, must notify the governor 10 days before the cessation of manufacturing. (b) Should manufacturing recommence before such bonded rooms are empty the inspector at the distillery shall take possession thereof.

Section 15.—(a) No rebate of duty will be allowed for diminution of bulk or strength owing to either leakage, evaporation or accident. Should the accident be owing to circumstances beyond the manufacturer's control a rebate of taxation shall be at discretion of the government. (b) brandy stored in the ware-rooms shall be insured to the full extent of the unpaid taxes, and the policies accompanied by a certificate showing the crown's lien shall be lodged with the inspector. In case of neglect the inspector shall report to the governor who without delay shall make the necessary arrangements for enforcing the payment of the taxes.

Section 16.—The government shall decide in all cases under what conditions subject to what inspection and on the payment of what fee domestic brandy may be stored; and how exported without the payment of the tax.

Article III.—Section 17 provides for the appointment, pay, and lodging if necessary of chief inspectors and inspectors.

Sections 18, 19, and 20 provide for the furnishing, use, etc., of controlling apparatus; and the measurement and reduction of spirit thereby.

Section 21.—All disputes between the manufacturer and the inspector concerning the strength of spirit to be settled by the chief inspector to whom also (section 22) all illegal acts are to be reported.

Article IV.—Responsibility for offences under the law. Section 23 (*a*) every one manufacturing brandy without a license, or during the prohibited season shall pay the tax fixed in section 10, and shall be fined from 100 to 2,000 kroner (i. e. from $26.80 to $536) with from one to six months imprisonment; (*b*) the amount of secret distillation shall be estimated by the productive power of the apparatus used, but shall not be placed at less than 800 litres (about 211¾ gallons) in one calendar day. If the size of the apparatus cannot be estimated taxes shall be paid on 500 litres (132 gallons) for each calendar day. In any case taxes for at least 30 calendar days shall be enforced; if the manufacture has continued for more than 30 days, but less than 60, then taxes for 60 calendar days shall be collected, and if for more than 60 days, but less than 90 days, then 90 days taxes shall be collected.

Section 24.—All apparatus and all vessels used in secret distillation shall be confiscated as well as the brandy produced.

Section 25.—(*a*.) Anyone secreting a portion of brandy distilled, or using illegal apparatus or appliances to escape paying taxes, or breaking, or opening locks placed by the inspector, or illegally breaking seals or meddling with the controlling apparatus shall be fined from 500 to 5,000 kroner ($134 to $1,340) or be imprisoned from one month to one year; if the fraud is extensive or the circumstances aggravated the imprisonment (with hard labour added) may be doubled. The brandy, if recovered, to be confiscated.

Section 28. For working on Sundays or holidays the penalty is from 5 to 50 kroner (about $1.34 to $13.40.)

Section 29.—For manufacturing brandy in connection with German yeast and for offences against section 9, the penalty is 100 to 1,000 kroner.

Section 32 imposes fines from 20 to 200 kroner for offering an inspector anything in the way of a bribe, and on the inspector (with loss of position) for accepting the same.

Section 33.—Anyone connected with inspection convicted of illegal distillation or conniving thereat, shall be imprisoned with hard labour for from 6 months to two years.

Section 34.—Any inspector making fruitless inspection between the hours of 9 p.m. and 5 a.m. shall be fined from 5 to 50 kroner.

The other sections provide for the punishment of minor offences. Section 35 provides for the commutation of any of the above fines; section 36 provides that in case sufficient funds are not forthcoming to satisfy any penalty under this act, corresponding imprisonment shall be substituted for the balance. By section 37 one third of the fines goes to the crown, and two thirds to the public prosecutor. Under certain circumstances of illicit distillation special remuneration is provided for the detection.

Article V.—Enumerates the officers whose duty it is to enforce this law, and prosecute under it; the conduct of investigations, mode of confiscation and for the marking (for the purposes of identification) of confiscated apparatus. Every person has a right to bring an action for illegal distillation, except parents, husband or wife, brothers or sisters, who shall not bring an action against each other, nor a kinsman against the one who supports him, nor an adopted child against an adopted parent, nor workmen against masters whilst in their employ.

The law of December 31, 1891, governing the conditions under which brandy and other burnt and distilled spirituous liquors may be sold in Sweden.

Brandy may be sold at wholesale, retail and over the bar (section 1). The same provisions relating to the quality, strength, etc., of brandy, shall apply to alcohol

and other burnt or distilled spirituous liquors (domestic and foreign), and beverages prepared therefrom, or containing more than 25% of alcohol (*b*).

By section 2 the smallest quantities that may be sold are:—

| | | |
|---|---|---|
| At wholesale | 250 litres | about 66 gallons. |
| At retail | 1 " | " 1·06 " |

over the bar as small a quantity as desired.

Liquor sold under the two former must not be consumed on the premises, and what is sold shall not be divided nor delivered to several buyers in smaller quantities than the smallest quantity which can legally be sold.

Section 4. No one may serve the public by supplying brandy in smaller quantithan he has a right to sell; and no licensee is allowed to deliver brandy by proxy to buyers at any other place than the one licensed, in quantities of less than 250 litres.

Section 5. (*a*) A licensee for the sale of brandy by retail or over the bar must have the confidence of his fellow-citizens, be known as trustworthy, be able to write and cipher, be his own master, and otherwise show himself capable of undertaking such business. (*b*) Neither retail nor bar trade in brandy shall be carried on in connection with any other business to conduct which a special permission is necessary, with the exception of the sale of wine and malt drinks. (*c*) no one disqualified from being a manufacturer of brandy, as well as apothecaries, shall be licensed to sell brandy either by retail or over a bar.

Section 6. Continues privileges held previous to the operation of the law of 1885, unless the same have been forfeited, but (*b*) burgess rights conferred since the publication of that law do not confer the right of selling brandy by retail or over the bar.

Section 7 provides for the continuance of the right of selling at retail or over the bar to country inns where said right was exercised prior to the law of 1885, and where it has not been discontinued or forfeited, but only to the holder of the right at the becoming effective of the law of 1873, or his legal representative under this law. (*b*) Where the inn was owned by a parish, community, or company the right to sell brandy was only continued for 20 years from the 26th of August, 1873. (*c*) Where the proprietorship of an inn is divided between several owners, each one shall exercise the right to sell brandy over the bar, only during the time he is in charge of the business. Either partner desirous of surrendering his right may do so by giving notice as per section 16.

Section 8. Magistrates in towns must send the governor a list of tradespeople entitled to sell brandy before January 1st in each year (*a*) before which date (*b*) the town council or town meeting having reported to them, the magistrates shall state to the governor, whether in their opinion the number of privileges to sell brandy at retail or over the bar should be increased, and if so, to what extent and in what part of the town. (*c*) the governor shall then decide for or against increasing the number, but he cannot increase the number contrary to the vote of the magistracy and the towns meeting, nor can he exceed the number decided upon by them.

Section 9. New privileges, for a period not to exceed three years, as well as any to supply the places of licenses given up or forfeited, must be offered by auction before the end of July in each year, to the person or persons willing to pay taxes on the largest number of litres. Only one license may be put up at a time, and two weeks notice of sale must be given. The bids must be submitted to the magistracy, who shall be guided in their decision as much by the character and competency of the bidder as by the amount of consideration offered; (*b*) where it is considered advisable to grant the privilege of all the sale of brandy by retail or over the bar to a company the magistrates shall issue a month's notice calling for tenders within a specified period. Tenders, accompanied by the by-laws of the companies, shall be decided by the magistrates on the same principle as other bids, and finally ratified by the governor. No tender to be accepted unless the fees are as great as would result from individual license, or that provided by section 17. All contracts must be completed before the 30th of June in each year.

Section 10.—Provides for the increase in the number of licenses in country districts upon the receipt of a petition to that effect from any resident by the local board of government. The chairman of the board shall by fourteen days notice call a meeting of the parishioners and the decision arrived at this meeting shall be final. This meeting shall be held during the month of April. Section 11 provides that licenses granted under section 10 shall be disposed of by auction by the bailiff, the acceptance or non-acceptance of any bid being decided on the principles already laid down. (b) the government shall decide whether and under what conditions licenses to sell at retail or over the bar in small towns shall be granted to companies.

Section 12.—Any licensee forfeiting his right to sell can only obtain a new license under section 9 or section 11.

Section 13.—Special licenses for various periods, may be granted to spas, hydropathic establishments, passenger steamers, restaurants, etc., but not for camps or military gatherings.

Section 14.—The license year commences on October 1st in towns, and on November 1st in country places.

Section 15.—A license purchased at auction may only be transferred with the consent of the authorities, and no other license may be transferred. A company having taken charge of the sale in any place may not alienate their license, but with the consent of the authorities they may transfer one of their special privileges. On the death of a licensee the business may be carried on for the heirs till the close of the than current year, and in case of the death of a privileged licensee till the end of the term of the privilege.

Section 16.—In towns, assessors, and in country places, the local board of government, shall make a yearly estimate for each existing license of the number of litres of brandy which will probably be disposed of under such license during the ensuing year; and every licensee who within 14 days of the close of the assessors work has not surrendered his license to the magistrates shall be liable for the legal fee on the so assessed amount.

Section 17.—No assessment shall be put at less, nor shall any bid at auction be accepted for less, than 3,000 litres (about 792½ gallons) in towns, and 1,500 litres (about 396¼ gallons) in the country.

Section 18.—Fixes the fee for licenses to sell brandy at retail, or over the bar at 15 or per litre (about 3⅘c.,) on the estimated sale, Adulterated brandy, under inspection, is not subject to the tax on sales made; (*b*) in case of a company being entrusted with the sale of brandy by retail or over the bar, the company shall, in addition to the tax fixed, give away the net profit which, after deducting the necessary running expenses, is shown by the accounts of the company to have accrued from all the business in brandy done by the company, and also the fees which the company has paid for the privileges according to section 15 (*c*). The accounts of the company shall be kept in the manner and after the formula provided by the bureau of control and assay of the royal department of finance. These accounts, as well as the management of the company, shall be examined into during the month of January of every year, on a day fixed by the authorities, by five auditors, of which the town council, or, where such is not found, the town meeting, shall appoint two, the *landsting* (meeting of the commissioners of supply of a county) one, the agricultural society one, and the governor the fifth. When a town does not take part in a *landsting*, the town council shall appoint the auditor, otherwise to be chosen by the *landsting*.

In Stockholm the town council shall appoint three auditors and the Governor General two.

A report of the investigation shall be sent to the town council or town meeting, the *landsting*, and the agricultural society before the expiration of the month of February succeeding.

The auditors shall receive the compensation of the fourth grade mentioned in the regulations, which compensation shall be paid out of the profits mentioned above. If the *landsting* or the agricultural society declines to assume any responsibility for the management of the company the matter shall be appealed to the governor.

The company is in duty bound to be controlled by the orders given by the governor in the matter of desirable modifications. If the company declines to do this the governor shall impose a suitable fine.

Section 19.—License taxes or fees shall be paid in advance half-yearly.

Section 20.—The fee for a license to sell over a bar, as per section 13, shall be fixed by the assessors, but it shall not be less than the proportion for the time of the duration of license which corresponds to the tax which ought to be paid annually. The fee for a passenger vessel license shall be paid in the town where she is owned.

Section 21.—Appeal is allowed against the assessor's decision, but the tax must be paid pending decision.

Section 22.—All fees for licenses to sell brandy by retail or over the bar, as well as the net profits which the companies must pay over shall be divided as follows:—In Stockholm eight-tenths to the city, if the trade in brandy be in the hands of a company; otherwise seven-tenths to the city and the rest shall in either case be paid into the public treasury. (II.) In towns not taking part in a landsting, if the sale be in the hands of a company seven-tenths go to the municipality, one-tenth to the local agricultural society, and two-tenths to the public treasury. If the sale be not in the hand of a company, six-tenths shall go to the municipality, one-tenth to the agricultural society, and three-tenths to the public treasury. (III.) In towns taking part in a landsting: when the sale is in the hands of a company, five-tenths shall go to the town, two-tenths to the local landsting, one-tenth to the agricultural society of the district, and two-tenths to the public treasury. When it is not in the hands of a company, four-tenths shall go to the municipality, two-tenths to the landsting, one-tenth to the agricultural society, and three-tenths to the public treasury. (IV.) In country parishes the whole shall be deposited with the receiver of the district who shall distribute it as follows: seven-tenths to all the country parishes of the district, according to their population; two-tenths to the landsting of the district, and one-tenth to the agricultural society. (V.) In a village where the sale is in the hands of a company, the division shall be the same as in a city. The portions falling to the agricultural societies and to the landstings shall be deposited in the district receiver's office; the portion paid to the public treasury shall be distributed amongst the county revenue districts according to the number of inhabitants, not including those resident in towns. These amounts shall be redivided, the county parishes receiving one-half, and the landsting and agricultural society one-fourth each according to inhabitants. Companies must surrender profits before May 1st in each year. A statement of the disposition of the profits shall be supplied the chief of the royal department of finance on demand.

Section 23 provides that places of sale shall be publicly situated and shall be airy, clean, wholesome, and convenient.

Licensed premises shall be inspected (section 24) before the business is commenced, in towns by the public prosecutor, in the country by the police together with two persons appointed by the magistrates, or the local board of government. The sale of brandy is prohibited in the country within 3 miles of an auction, fair, market, parish meeting, or muster of recruits; and the governor may prohibit sales on the occasion of any public gathering of people.

Section 26.—Sale by retail is allowed from 8 o'clock a.m. to 7 p.m. on week-days only; sale over the bar may take place from 9 a.m. to 10 p.m. in towns, and till 8 p.m. in the country. On Sundays and holidays the sale over the bar shall be limited to meal times, and then only to guests ordering food. The governor may extend, or curtail the hours at his pleasure. All bars must always be closed during the hours of divine service. This means total prohibition (section 27) during the hours. Cooked food must always be kept on hand in bar trade places, and drunkards and minors cannot be supplied. Signs and copies of this statute must be displayed; and in case of co-partnership a notice signed by the police showing the hours during which each partner is in charge, and has the right to sell.

Exposing brandy for sale in an open booth with other goods (section 31); bartering with brandy (section 32); adulterating brandy (section 33); are all prohibited. Payment for brandy sold on credit, if less than 20 litres, is not recoverable (section

34). In cities the police, and elsewhere the police and the local board of government, shall see that these regulations are enforced; and recommend the closing of premises for valid reasons. In case of disturbance the governor shall limit or suspend the license. The owner may claim a proportionate rebate of fees (section 35). Apothecaries may only sell brandy for medicinal purposes (section 36). Brandy can be shipped in bond (section 37). The following penalties attach to selling without a license:—

| | | | | | |
|---|---|---|---|---|---|
| 1st offence, | 30 to 60 | kroner, about | | $ 8 04 | to $16 08 |
| 2nd " | 60 to 120 | " | " | 16 08 | to 32 16 |
| 3rd " | 120 to 240 | " | " | 32 16 | to 64 32 |

Fourth and subsequent offence, imprisonment from two months to one year. All brandy found in illicit places up to 150 litres (about 39⅔ gallons) shall be confiscated. The convicted illicit vendor shall pay also the tax on the quantity that he is supposed to have sold, provided it be not less than one-fourth of the amount for which he would have been assessed. This applies also to retail licenses selling over the bar. A second offence by a licensee forfeits the license.

Anyone carrying on a retail or bar trade on which the dues have not been paid incurs a penalty of:

| | | | | | |
|---|---|---|---|---|---|
| For the 1st offence, | 15 to 30 | kroner, about | | $4 02 | to $ 8 04 |
| " 2nd " | 30 to 60 | " | " | 8 04 | to 16 08 |

The first clause applies to companies.

Carrying on business during illicit hours, and illegally, incurs the same penalties as selling without a license, but, in addition, the license shall be forfeited (section 42). This applies also to section 31.

A fine of from 10 to 50 kroner is meted out to offences against sections 24, 28, 29, 30 and 33. In the latter the brandy also shall be confiscated (section 44).

An official engaged in illicit traffic shall pay double fines and be dismissed the service (section 45). Anyone indicted for an offence, and repeating his offence before trial, shall be fined for every offence, but the whole term of imprisonment shall not exceed one year.

The master of a house is responsible for the acts of his inmates (section 47). Brandy in course of transportation contrary to section 37 shall be confiscated (section 48). Unsatisfied fines shall be commuted acording to the general penal code (section 49), but if a license fee, as well as fines, is imposed without the necessary funds being forthcoming, imprisonment shall be substituted for the fines (section 50). Two-thirds of all penalties, as well as of the value of confiscated brandy, shall go to the public prosecutor, and one-third to the municipality. In cases where a special informer is concerned, his remuneration shall be one-half of the public prosecutor's share (section 52). The latter clauses of this act enjoin the duty of enforcement on the governors, public prosecutors, police and others. Every one has a right to bring an action under it, except children against parents and servants against employers. The right of confiscation appertains to the public prosecutor; all confiscations must take place in the presence of two witnesses.

Law of October, 1885, governing the sale of wine, malt drinks, coffee, and other prepared and non-spirituous beverages in Sweden.

Section 1 (*a*) places the whole traffic in wine, malt drinks, coffee, tea, chocolate and other prepared and non spirituous beverages under license, and all sales of wine for consumption off the premises in country districts in less than 10 litres. (*b.*) Any license vendor of brandy over the bar can vend these lighter drinks for consumption on the premises. (*c.*) A license to sell wine for consumption on the premises includes all light drinks. (*d.*) A license to sell malt drinks covers all light drinks, except wine. (*e*) The right to sell wine to be taken away in less quantities than 10 litres pertains to all holdersof licenses to sell brandy, or wine over the bar.

Section 2.—The mode of application for license to sell wine and light beverages is precisely similar to that for obtaining license to sell brandy at retail, or over a bar. Each license is held temporarily at the pleasure of the governor. Before

April 15th in each year the magistrates shall forward the governor a list of licenses existent in their district, and of those qualified to hold licenses; also of the number of licenses that they, and the town council, think should be issued for the sale of light drinks in their district. The governor shall decide on the number to be issued, but he cannot authorize an increase in the number against the wishes of the authorities, or exceed the number named by the magistrates and council.

Section 6 provides for the issue of extra licenses on the petition of some citizen, or for their refusal The procedure is precisely similar to that in the case of licenses to retail brandy, and the mode of disposal by tender.

Section 7 provides that the governor may issue licenses for spas, hydropathic establishments, and passenger steamers, or in connection with the hostelry business for a portion of a year.

Section 8.—Applications for licenses to sell coffee, tea, chocolate and other prepared non-spirituous beverages for profit must be made to the magistrates in writing and will be granted to them.

Only license holders living in the place may sell beverages (which are not allowed to be given away) at any fair, auction, ting, advertised general market day, or public meetings without the permission of the governor, nor may any one vend these beverages at any camp or military gathering without the license of the commanding officer. No beverages may be sold or given away in open booths.

Section 11.—Licenses to sell wine to be taken away in less quantities than 10 litres in rural districts may be granted by the governor after consulting with the authorities.

Section 12 provides penalties for selling wine as in section 11, without a license, viz:—

1st offence, from 5 to 50 kroner, or $1.34 to $13.40.
2nd offence, from 50 to 100 kroner, or $13.40 to $26 80.
3rd offence, from 100 to 200 kroner, or $26.80 to $53.60.

If the offence be committed on a Sunday an extra fine of from 5 to 20 kroner shall be imposed. (*b.*) Any licensee under this law convicted of the illegal sale of brandy shall lose his license; (*c*) the penalties shall be doubled on the conviction of any one, who has forfeited his license, or had it revoked.

The vendor is responsible for drinks consumed on, or near unlicensed premises, and for drinks consumed on licensed premises, but not paid for.

The magistrates shall prohibit the continuance of business of any licensee permitting disturbance or immoral conduct.

Section 15 prohibits the holders of "off-premises" licenses from selling by the glass, and all peddling of liquors.

Section 17.—Bar sales are forbidden after 10 p.m., on Sundays and holidays, and during the hours of divine service under a penalty of from 5 to 50 kroner. Visibly intoxicated persons may not be supplied, nor may minors. An intoxicated person shall not be ejected from a place where he has been supplied with liquor, nor shall he be left without protection.

Section 18.—The bar door must be unlocked during business hours. The licensee must expose a sign under a penalty of 5 kroner.

Section 20.—Debts for liquor may not be recovered or collected.

Section 21.—Anyone indicated under this law continuing, or repeating the offence shall be fined for each transgression. Commutation of fines and distribution of funds under this law are the same as those under the law regulating the sale of brandy.

Section 22. This law does not apply to inn-keepers holding a general license nor does it apply to Stockholm, which is under special regulations made by the governor general. The directors of state railroads must make special regulations for the sale of refreshments at their stations.

# APPENDIX No. IIO.

*Appendix No. 3 M.*

## STATE OF MAINE.

MEMO OF CASES TRIED BY THE SUPERIOR COURTS OF THE STATE.

| Year. | No of Cases. | Violations of Liquor Law. |
|---|---|---|
| 1870 | 2,349 | 1,037 |
| 1880 | 1,063 | 521 |
| 1885 | 1,409 | 798 |
| 1889 | 1,236 | 786 |
| 1890 | 1,202 | 810 |

# APPENDIX No. III.

Copies of replies received to circular issued by *Lewiston Journal*:—

## ANDROSCOGGIN.

*No open bars in the county, and almost no secret selling outside of Lewiston.*

### LEWISTON.

Judging from the number of intoxicated persons seen upon our streets I conclude there are quite a number of secret grog shops in our city. How many I cannot tell. There are no open grog shops in our city. I think drunkenness has increased in our city in the last two years. There is no temperance society or club here that attempts to reform rumsellers by moral suasion. (But we have active reform clubs and temperance organizations.)

The law is but partially enforced for the reason that our city government, city and state officers, are lax in the performance of their duty. I believe public sentiment would fully sustain a vigorous enforcement of the law.

I think the number of grog shops, disguised as drug stores, have considerably decreased since the new law took effect. Would suggest that we need to have penalties of imprisonment and fines attached to our laws, for our officers, whose duty it is, who neglect to enforce them.

We also need a law that will close up the numerous drinking club rooms. And I would also suggest that our state greatly needs the organization of a strong and vigorous temperance republican party that will at all times place its seal of condemnation on the nomination of any man to an office of trust who either drinks intoxicating liquors or is known to sympathize with the drinking of such liquors.

I believe such a party would be a powerful political regulator in our state. For there can be no doubt that our official laxness grows out of the catering of both parties to the rum vote. And before a reform can be effected they must be made to feel that other votes are of greater importance to their success.

AUBURN.

I know of no secret grog shops in this city; certainly there is no open sale of liquor. I think drunkenness has increased in the last two years here.

Where the law is not enforced I charge it largely to lax public sentiment.

I think the new law has reduced the number of rum shops disguised as drug stores.

It is my opinion that we have law enough. What the temperance movement needs now is an educational period, so that the temperance people of Maine who habitually use liquor in some form as a medicine, shall learn that it is not necessary or that something else will do as well as liquor without the possible danger from its use. The fact that in Bangor and many other towns the law is not respected is proof of the need of intellectual as well as moral culture on this subject.

Another Auburn correspondent says:

I know of no open or secret grog shop in Auburn, and think none exists there. I am very certain drunkenness has not increased in Auburn within the past two years. We have a reform club and women's temperance societies.

The law is well enforced, better enforced in my judgment, than the law against stealing, gaming, assaults, and similar offences. During the time of Judge Dresser's service as police judge, now about fifteen years, there has been no let-up on liquor sellers, whether selling openly or secretly. Actual prohibition has been the policy persistently followed, and the result is that there is no place in the city where the illegal sale of intoxicating liquors is so much as suspected.

No rum shop of the druggist class has ever existed in the city. The great need as regards prohibition is the persistent enforcement of the law with the *bona fide* purpose of suppressing the sale of liquors, whether open or secret. Actual suppression should be the end and aim constantly. Prosecutions in which there is a manifest half-heartedness amount to but little. An occasional prosecution, where there might be many, is of no use. Enforcement of the law by fits and starts, with long interims of no enforcement, is utterly futile. Nothing short of a determination to suppress the grog shop, followed up by a constant, persistent following-up of this determination by prosecuting every one, high or low, who sells or keeps for sale, will ever amount to real prohibition. But where this determination followed up by such persistent effort, exists, there is no more difficulty in enforcing the prohibitory law than any other law.

And let me say in this connection that at the present time, one of the chief hindrances to the full effect of the law is the disposition on the part of the courts and prosecuting officers to minimize the penalty. There seems to be a feeling that if the county can make sure of a fine, even a small one, it is better to take it than to send the respondent to jail. And so it would be if liquor prosecutions were to be pursued as a source of revenue merely. But if they are to be used for the actual suppression of the liquor traffic, then the penalty should be one that hurts. Imprisonment hurts and is dreaded. A fine, especially the small one, can easily be paid, and made up from the profits of the business before a proportion of imprisonment would expire.

As to the needs of temperance generally, let me say that no one method, however faithfully pursued, will carry it on to triumph. Prohibition actually enforced is an efficient, but by no means a sufficient, instrumentality. Moral suasion must go with it, a moral suasion which includes education, training, example, social and religious influence, everything, in fact, which tends to incite men upwards rather than downwards. And never were all these instrumentalities more needed than now.

MECHANIC FALLS (MINOT AND POLAND).

We have one secret grog shop and probably one or two more places where the article can be had in our village. There are three or four cider mills, within two or three miles, that are about as bad as rum shops. We have no open bars in town and have had none for forty years, and we are determined never to have another. The

The secret ones are doomed. Drunkenness among the young is too common, but it has not increased. We have a Good Templars' lodge, doing good work. The law and order league of our place have been doing some good work, and now that we have some good officers, hope to do more and better work. Our officers heretofore have not kept up with public opinion. The new law has had a good effect on drug stores—one less here. I believe our law is as stringent as public opinion will sustain and enforce. What we need in every city, village and town in Maine is an efficient law and order league, made up of the best men you have, with ample funds to work with. Let that be supported by temperance societies and all the Christian denominations.

The "one less" drug shop which was spoken of above, sold only for mechanic and medical purposes, and it seemed almost a necessity as we had no agency. A well kept agency seems almost a necessary evil until rum can be annihilated, and that may never be.

### TURNER.

No open or secret grog shops in Turner and no increase in drunkenness or in drinking. We have active moral suasion societies, and I think the law is well enforced. Turner is a strong temperance town. There is a Good Templars' lodge at Chase's Mills, and one in Turner village. At Chase's Mills there is a reform club.

## AROOSTOOK.

*Sale of liquor generally suppressed, but some trouble in border towns.*

### FORT FAIRFIELD.

I do not know of any open or secret grog shops in our town. We made a raid last winter and cleaned them out. Drinking has not increased. We have several temperance societies for children and a W. C. T. U. The new law, too, had a good effect on drug stores—liquor cannot be obtained in them, even for medicine.

### HOULTON.

I think there are no open or secret grog shops here. Drunkenness has diminished in the last six months; previously there was a good deal. We have the W. C. T. U. for moral suasion. There is a lax public sentiment, and the officers are lax in their duty. Many of our so-called leading men are inclined to shield offenders. The druggists were at first frightened, but took out licenses. Yes, I am sure that they are more particular as to whom they sell to than before. Being situated within two miles of the New Brunswick line—where liquor can be obtained freely—there are peculiar difficulties in the way of preventing drunkenness.

### CARIBOU.

There are a few domestic groggeries here, but no other. The W.C.T.U. is working for temperance here. Our officers do their duty, and drinking and drunkenness have decreased in the last two years.

My opinion is, that we have law enough, and that all that is needed now is an honest pulling together of all the professed temperance men and women. At the W. C. T. U. convention, held at Presque Isle on the 13th and 14th, a resolution was presented to the committee on resolutions, approbating Gov. Bodwell for his efforts in behalf of the suppression of the traffic, but it never got out of the committee room. My opinion also is that this third party and its friends are doing more to injure a good healthy public temperance sentiment in this state than all other influences combined.

## CUMBERLAND.

*No open bars reported, and secret selling very small outside of Portland.*

### PORTLAND.

Open rum shops, such as we had in old license times, do not to the best of my knowledge and belief, exist in Portland; but there is a good deal of the secret and semi-secret grog shop. In Portland the law is enforced fairly but not rigidly. Portland in this respect is better off than Bangor.

Our esteemed correspondent "Occasional" writes us the following:—Great efforts are being made by the saloon interest throughout the country to get the impression abroad that the "Main law" in this state is a failure. They start off entirely ignoring the great fact that in nearly all the rural districts of Maine the liquor traffic has been completely abolished by the operations of the law. Keeping this out of sight as much as possible, they raise a great hue and cry about rum-selling and drunkenness in the cities, with the old stale falsehood that "prohibition does not prohibit, and the Maine liquor law is a failure." The arrests for drunkenness in Portland are cited as evidence of these oft-repeated allegations. That a portion of these men get their liquor in Portland is not denied, but it is equally true that a large per cent supply themselves through the agency of "clubs" run in the interest of the saloon, from Boston, and they always will, so long as they have free rum in that city.

Another lie is sent travelling around the country, to wit, that public sentiment does not sustain the faithful enforcement of the law. Efficiently, as the law is executed at the present time in this city, it is a fact that public sentiment is ahead of the officers of the law in their efforts to stop rum-selling. There is no doubt about it. Laying aside political prejudice, you can scarcely find a respectable person in the city who does not in his heart approve of the noble stand taken by Governor Bodwell to stop the traffic. And yet the "hoodlum" element in some of our city newspapers now and then crops out in little squibs and flings at the governor, the officers of the law and the active friends of the cause. But these insidious attacks fall harmless at the feet of all the better portion of the community, and the press, in indulging in them, will find ere long that it will be for their own interest to discontinue all such dirty work. The recent attempts of Mayor Chapman and the marshal to bring about a better observance of the Sabbath, has met with more or less opposition, mainly from interested parties, who would make Sunday a holiday and a day of business.

When the apothecaries were told that they must discontinue the sale of cigars and other articles of merchandise and confine themselves to the sale of medicines on the Sabbath, they set up the cry of "Blue laws," "Puritanism," etc., and in their wrath they attempted a combination of all the druggists in the city to shut up their shops entirely on the Sabbath, but they soon got sick of this, for when their "total abstinence" Sunday came round a few of the craft who were disposed to observe the law, kept open and every one in need of medicines had no difficulty in getting prescriptions filled. This cured the "conspirators," so last Sunday they all kept open. Some months since, all the druggists in this city with the exception of less than half a dozen, agreed to keep open on Sunday only certain hours of the day, but those who stood out against the proposed arrangement said they made more money in Sunday's trade than any other day in the week.

Every one will see that this traffic in merchandise on the Sabbath, by the druggists, was a discriminaton in their favour against other trades as well as an open violation of the Sabbath.

The newspaper depots in the city have been ordered to close their shops after 10 o'clock forenoons on the Sabbath. This raised another breeze among those whose sensitive nerves are shocked at the old puritanical idea of Sabbath observance, and who seem extremely anxious to introduce French and German customs, to the annoyance of all decent people. One of these newsdealers acknowledged to the

marshal that he trades in other things besides newspapers on Sunday. The common sense of every man will teach him that there is no such work of "necessity" as requires these shops to be open after the time they have been ordered to close.

It is but justice to the people of Portland to say that all the better portion of its citizens sustain the mayor and marshall in their efforts to require a better observance of the Sabbath day.

It is quite amusing to see some of these, our pious croakers, blowing against the city government, haranguing the dwellers in "Centre street and Christian Shore" upon what they are bound to do; stop all the steam cars, horse cars and even travelling to church on the Sabbath. The theory that unless every violation of law is stopped, all legal restraints in the interests of religion, morality and good order should be thrown off, is just about as consistent as the doctrines of the anarchists and those who would roll back the civilization of the nineteenth century and plunge us into the murky mists of the dark ages. The "Sabbath was made for man," and every good citizen is interested in its due observance.

### SACCARAPPA, WESTBROOK AND CUMBERLAND.

There are several liquor-selling places at Cumberland Mills that are fined quite regularly, once or twice a year,—one of them recently twice within a fortnight. There are no open grog shops, but there are so many places where bottled goods of different kinds are displayed in more or less suspicious manner, that I am not very confident in my reply.

There is no sign that drinking has increased within two years. There is a Division of Sons of Temperance in Cumberland Mills with good membership (150) and a Lodge of Good Templars in Saccarappa which has also, I think, good numbers. In relation to the enforcement of the law, officers and public are lax. Each find fault with the other, and each has good opportunity to hide behind the other's delinquencies. I see no reason to think the drug stores have made any change, except for the first few days of new law, and then the change did not bear heavily upon the drinker. As to temperance, what we need in Maine is an awakening to the fact that the person who uses intoxicating liquors is a sinner against God and against himself. The person who in the light of to-day begins the use of intoxicants, shows himself or herself wanting in understanding and in character. We need renewed teaching in the home, school and church upon this subject.

I have spoken in general in my replies, for the two principal villages of Westbrook—Saccarappa and Cumberland Mills—the one village with four or five and the other with two drug stores.

### DEERING.

No open rum-shops here, and I think no secret ones. Drinking has not increased in the past two years. We have active moral suasion societies and the law is well enforced. Humbug drug stores have diminished under the new law.

### YARMOUTH.

I do not think there is any grog shop in town, either secret or open. Nevertheless, liquor is easily obtained by those in the ring.

Drunkenness has not increased, but, on the contrary, we seldom have a case, excepting two or three confirmed and habitual topers. They find plenty to take, but probably it comes from out of town.

During the celebration, July 4th, which was quite an event for old Yarmouth, there were only one or two cases where men showed the effect of liquor. It was a subject of general comment and congratulation.

Within my recollection beer and strong liquors have been sold openly in town over bars. Now nothing can be obtained by the average citizen, except he send out of town.

We had a Reform Club here for several years, which did good work in our midst. We have no temperance organization except the Good Templars, which is probably doing some good among the younger portion of the community.

## FRANKLIN.

*The secret sale of liquor very effectually suppressed.*

### STRONG.

There is no secret or open rumselling here, and there has been no increase of drunkenness here in the past two years. We have a lodge of I. O. G. T., and also a Juvenile Templars' Lodge. There has been but one case of liquor selling here within the last two years, and that was promptly seen to. We have no drug store rum shop in town and never had. If we could have a sort of vigilance committee, whose business it should be to ferret out, obtain evidence and promptly prosecute every violator of the law in every town, I think it would be of great advantage to the cause. If there could be any means brought to bear upon the publishers of professed prohibition periodicals, such as the Portland *Herald* and the like, by which they could be induced to refrain their vituperation, malicious insinuations and, to say the least, the very unfair maligning the motives of our chief executive and his subordinates in executing the law, and bend their talents and influence to help them, it would be very much more to their credit and much more to the advancement of the cause they profess to love so well.

### CHESTERVILLE.

We have no open or secret grog shops here, except two or three places where cider is sold.

There has been no increase of drunkenness. We have temperance societies. Our officers are active. Illicit drug stores have diminished under the new law.

Educate the people. Bring facts prominently before the public, and the officers will be more fully sustained by the people.

### EAST WILTON.

There are no open or secret grog shops in town and no increase of drinking. We have I. O. G. T. lodges here. Illicit drug stores have decreased.

There is some intoxicating fluid used in town, and I think the great part of it is received by express, in small quantities, and used by the parties themselves and a few confidential friends.

Public sentiment is all right, and will sustain any administration that enforces the law.

### PHILLIPS.

We have no increase of drunkenness here. There is no active temperance society here. Public sentiment and officials are a little lax. I think disguised drug stores have diminished since the new law went into effect.

## HANCOCK.

*A lax public sentiment, but renewed energy in the execution of the law.*

### SOUTHWEST HARBOUR, TREMONT.

One hotel is suspected to sell secretly, but there is no open bar. Drinking and drunkenness have decreased in the past two years. The moral suasion movement is represented by a Good Templars' Lodge. All clear cases of violation are prosecuted. We had one drug store suspected of secret sale, but there is no suspicion now of any drug store handling liquor illegally here.

Opinion is that we ought to be more zealous in the cause. Our pulpit is radical on the subject. Our town is becoming a great summer resort and is suffering from the practice of visitors, many of whom bring liquors with them, and give them to boatmen and others. This, however, is true only of a small number.

We are not going back to the rum and ruin of the past. On the whole, we are improving and will continue to if the law is kept up tight. There has been some chuckle over the "original package" process, but Governor Bodwell has knocked that higher than a kite. So mote it be.

BLUEHILL.

There is one place in our village that there is some reason to suspect as selling some liquor, but everything is very sly. The chief reason to suspect this is the fact that certain individuals spend their time around there. Drinking has decreased the past two years.

There is a remnant of a reform club that holds a meeting every Sunday. But one drug store is kept, on temperance principles, as far as I know.

CASTINE.

I do not know personally of any secret grog shop, but believe there are a very few places, one, at least, where intoxicating liquors are sold on the sly.

There are no open grog shops in Castine. Drinking or drunkenness has not increased in the past two years. Some think there is less drinking. At the present time we have no existing temperance organization. The organizations of past time, one after another, have had their day of earnest and efficient action and have passed away, their effect remaining in a hearty temperance sentiment and in a very general disuse of intoxicating drinks in this community. There are no special efforts made by our town authorities to enforce the law. Probably we now have enough of law, but in some places we lack in judicious and earnest enforcement of law. Our danger is in failing to keep up right moral sentiment, without which the law will be a dead letter.

ORLAND.

We have no open or secret grog shops here.
Drinking has lessened very much in two years.
The Good Templars are our moral suasion organization here.

BUCKSPORT.

I know of no open or secret sales of liquor in this town. Drunkenness has diminished. We have no temperance society here, but a healthful public opinion. Our drug stores were all right before the new law.

ELLSWORTH.

There are no secret grog shops in this town but there were some sixteen open ones (said to be.) The law was flagrantly violated and drunken men shamelessly reeled our streets. Drunkenness has increased very much in the last two years. We have two temperance societies, the Good Templars and the W. C T. U. Both do good work, but work against great odds.

The fault in the enforcement of the law is both official and public. We have a lax public sentiment. I am unable to state as to the number of grog shops disguised as drug stores, but have been informed that since the new law our druggists are careful and from outward appearance do not sell. My opinion has always been that if the law was honestly enforced every grog shop in the state would be closed. I believe in the doctrine of prohibition, but am not a third party man. I believe in Governor Bodwell.

*Later.*—Allow me to add that Sheriff Field has closed every grog shop in the place. This was done last Friday morning and now for four days not a sign of liquor has been seen. It can be done, not only for four days but for all time, only enforce the law.

## KENNEBEC.

*Very vigorous execution in the country towns, but several cities cursed with secret groggeries.*

### AUGUSTA.

We have no open bars here, but we have five rum shops that come pretty near it (besides the original package shop). I know of fifteen other places that I suspect are rum shops. I do not see that there has been any increase of drunkenness in the past two years. We have no active moral suasion movement Officers will do as the public desire—for lax enforcement officers and public are to blame.

When public sentiment is in favour of closing all the rum shops, it can and will be done. For a few weeks after the new law came into effect, the officers did their duty, and it was hard to get any liquor, and now it is plenty again. I think there are more private packages of liquor coming by express now than before the new law, showing that there is less liquor sold in town.

### HALLOWELL.

I do not know of any secret grog shop in this city, though it is probable there may be facilities for the initiated to obtain a sly dram occasionally. There are certainly no "open grop shops" here, and drinking and drunkenness have obviously decreased within the past two years. Several flourishing temperance organizations exert a healthful influence in the cause of temperance reform. The law is well enforced and our city marshal and police are fully sustained by public opinion and private co-operation on the part of our governor and best citizens. It is believed that our apothecaries have observed the requirements of the law since last amended; and it is certain that several known violators of the law have closed their places of business and entered into legi imate occupations within the past few months. Several saloon proprietors who have thus given up the rum business, have indictments pending against them, awaiting final action of the courts. The law, as amended last winter, seems to have driven out the traffic, or confined it in close and disreputable quarters, so far as this city is concerned. In our judgment the success of prohibition and temperance in Maine depends largely upon the faithful enforcement of the liquor law, and the arousing of public sentiment to the importance of the entire suppression of the unlawful traffic. Not only the best moral and social interests of the people of this state may thus be promoted but also the business and financial prosperity of all assured.

### GARDINER.

We have no open grog shops here, but we have six secret shops—with some of the symptoms of grog shops. There has been no increase of drunkenness here in the past two years.

We have a reform club here—not very active.

Public sentiment is lax, and the law is not enforced as it should be, on that account. I don't think disguised drug stores have diminished here.

Our city cannot be taken as a criterion for our state. A large majority of our citizens (voters) would vote in favour of enforcing the law, but very few men of influence are willing to put their shoulder to the wheel and labour for its enforcement. The passiveness of our people is from two causes. First, there are a few stirring

men opposed to prohibition who are continually saying our city is opposed to prohibition and many of the people believe it. Second, the few active prohibitionists here, for nearly all of them voted a third party ticket, practically saying by their vote the Democratic party is a better temperance party than the Republican party and have disgusted the Republican party by their course.

READFIELD.

There are no secret or open rum shops here. Drunkenness has decreased during the last two years. We have a Good Templars' lodge. I think the law is well enfored and public sentiment is good. I think the new law has hurt the illicit drug store business.

WINTHROP.

There is one secret grog shop in Winthrop, but sales are very limited, to those only who are well known to the proprietor, and who would perjure themselves every time to shield the one who sells to them, but even this one's days are numbered. He is under $2,800 bonds to appear for sentence in September in six cases, and he must them go to jail for a long period. No other place where liquors can be bought in any quantity, not even at a drug store or hotel. Drunkenness is seldom seen here, except among the foreigners, and they send to Boston and get it for themselves and keep it in their houses; but drunkenness among all classes has much decreased in two years. We have a Reform club, Women's Christian Temperance Union, lodge of Good Templars, Band of Hope or Juvenile Templars, public meeting every Sunday afternoon at 4 p. m., under the auspices of each society in their turn. Meetings are well attended.

No rum shop can live here. Public sentiment is too much against it, and officers are ready to do their duty. All the difficulty we have laboured under has been an unwillingness on the part of the citizens to assist the deputy sheriff in searching for the contraband stuff. The new law and the vigorous enforcement of the old at the last criminal term of court unquestionably drove three men out of the business entirely, viz., two apothecaries and hotel keeper. Enforce the law. We have law enough—enforce it. But how? Public sentiment must compel it. My experience is the officers will do no more than they are obliged to. If a community don't want the law enforced, it won't be; if they do want it enforced and will take the pains to let it be known it can be done as well as the enforcement of any other law. I have never found any difficulty in getting convictions in Kennebec when I could get the evidence. The only trouble has been to get the evidence. Juries are willing enough to convict, but there is one thing that hampers us and hurts; we are constantly taunted with the non-enforcement of the law in Bangor, Portland and Lewiston. We are told on every hand that we are inconsistent, that we will drive all out of the business in the country towns and let it be sold openly in these places; that it drives trade away from us to Lewiston and that there is no fairness in it. If the local officers in these places wont enforce the law, if public sentiment is powerless to drive them to it, the governor should appoint special constables who will do it if they can be found. If they cannot be found the temperance people through the various organizations and through the churches should agitate and agitate the question until the public conscience is aroused. Divorce the question from politics as much as possible.

WATERVILLE.

There is no open grog shop in Waterville; but I see the fruits of some secret sales. I think drinking has not increased here. We have I. O. G. T. and Sons of Temperance. The law is pretty well enforced. Disguised and illicit drug stores have diminished. In my judgment the opinions of a few active and prominent men in the community (especially, leading party politicians) are too often mistaken by the officers for public sentiment. I think what we need most is agitation. Let the

clergy and the press and the people talk more upon the subject and keep the matter eternally stirred up. Let more attention be paid to it in the schools. I believe the governor is doing just what he ought to do in calling the attention of the prosecuting attsrneys and sheriffs to the violation of the law in their respective counties and urging upon them the importance of a faithful discharge of their duty in this direction. Officers need encouragement. They naturally shrink from what they regard as an unpleasant, and in many instances a thankless task. They also need help in securing evidence. The devil is crafty and the ways that are dark, and tricks that are (not always) vain, which are practised by the rumseller of Maine require sharp wits and active minds to circumvent.

LITCHFIELD.

We have no open or secret grog shops here. Drunkenness and drinking have decreased in the past two years. We have two I. O. G. T. lodges. The illicit drug store got scared when the new law went into effect, but has begun to increase again.

Another correspondent says: Cider is Litchfield's grog, but less and less is drunk each year and fewer and fewer still will sell it for drinking, still a few more are mean enough to put out cider legally or otherwise where it does only harm. Some who a few years ago would do it, now would not. The general temperance sentiment of the town improves steadily. The Good Templars' lodges to help tone up this sentiment. A rumseller could not live a week in this town. I know apothecaries have been much more careful in selling drink since the last law was passed. But they are less careful than at first, growing bolder. Some examples are needed. Many of our good people want a place to get alcoholics for medicines and are willing to wink at sales to others for this privilege. The law is ahead of public sentiment when it is "I" who wants to buy. Our rum shops are at Monmouth, Gardiner, Hallowell, Augusta and Richmond, and not in town. It is easier to get it now than early in the season. Still, less is now sold to come into this town by one-half than last year. We have few drunkards in town, very few.

MONMOUTH.

I have no knowledge of any open or secret grog shop here. I do not think drunkenness has increased here. We have a Reform Club that has existed for years. It had its formation at the first instance and has ever been an active body, holding its meetings every other Sabbath evening at the town hall with large attendance, both churches arranging their prayer meetings so as not to interfere with the temperance meeting. The ministry are often present, taking part. While liquor has been sold the general public at the drug stores, yet it has been so handled and disposed of that no complaint has *ever* been made. If there has been any fault it has been on the part of the public. While the number of drug stores in Maine may not be less, the number keeping spirits for unlawful sale have materially decreased. The drug store in Monmouth does not at the present, I have reason to believe, sell unlawfully.

There can be no question as to the needs of a prohibitory law and temperance in Maine, and, moreover, it should be enforced; yet, public opinion has not, nor is it at the present time, up to the enforcement of the present law. Somehow the public is often, in many towns, opposed to an agency, and prefers that the drug stores keep it, and that they be allowed to get what they need there instead of at the agency. Now this may arise from the appointment of inadequate men to conduct the agency. It is often a difficult thing to get the right man to take it.

The law should be mandatory in requiring agencies in every important town. A large portion of people who thus think they need spirits for family use are among our best citizens. Now, while this sentiment prevails, without some source for supplies a feeling of apathy will prevail in enforcing the law.

Now, the facts are, many towns have refused to establish agencies in their several towns. This to make the law odious and of none effect, this, too, by temper-

ance men, for instance, the city of Augusta, notwithstanding the petition of citizens and personal appeal before the board of officers by such men as ex-Governor Morrill and Honourable J. L. Stevens and others. From my experience and observation the public morals in regard to temperance are not sound and must be aroused to the inconsistency of its present attitude. The mind of the temperance public is not really in working sympathy with the present law. No fault of the officers, but of the general public, that the law is not fully and generally enforced.

## KNOX.

*The amended law causes a stampede of the sly ones, but yet secret selling prevalent.*

### ROCKLAND.

Immediately after the passage of the new law there was quite a scare among Rockland rum sellers; but I think they are getting over it unless Governor Bodwell's recent orders renew their alarm.

### UNION.

I do not know of any open or secret grog shops in this town, and I do not believe there are any. We are troubled by having liquor brought into our town by teamsters and stage drivers. They bring it in their pockets usually.

I think drunkenness has not increased here in the past two years. There have always been a few persons who would drink. There are, perhaps, about the same number now.

We have a Good Templars lodge and W. C. T. U. and two churches, Methodist and Congregationalist, to promote moral suasion.

The law is well enforced in our town. Public sentiment is in favour of the enforcement of the law.

We have no disguised rum shops in our town. We had one started but it got "stepped on."

We need to have the law enforced in the larger towns and cities. Let our public officers do their duty. The people will stand by them. There are few persons who want a third party.

### THOMASTON.

There is some liquor selling here,—not so secret as I wish it was.

## LINCOLN.

*The law splendidly enforced in the entire county.*

### DAMARISCOTTA.

It is not suspected there are any grog shops in this town. There are no open grog shops here, and none have been suffered to exist for the past sixteen years. No person familiar with the condition of society here, will deny that there is less tippling and less drunkenness here than was the case two years since. There is no active temperance organization here at present, except the W.C.T.U. The law is faithfully executed by the local officers. Public sentiment demands it execution. We have three drug stores, all of which sold liquors with great caution, but since the late amendments to the prohibitory laws, none of them sell in any quantity for any purpose. The law executes itself. The same is true all over the county. When anybody says that prohibition does not prohibit in Lincoln county he lies, and knows he lies. The cause of temperance, in my judgment, would be promoted by a more pronounced endorsement of the law by the Christian churches.

You may rely upon it, total abstinence is the rule, and tippling the exception, in this county.

BOOTHBAY.

There is no open or secret sale of liquors here, and drunkenness has decreased. The law is well enforced and drug stores sell less liquor. I know that two persons who, for years, secretly sold liquor to the "right man" have abandoned it since imprisonment is the punishment.

WESTPORT.

I am happy to write you that there is not a grog shop in town, nor, as far as I am able to know, is there a person in Westport who uses liquor except in medical use. In conclusion it is safe to say there is not the amount of one gallon of spirits in the entire township.

WALDOBORO.

I think there are several secret grog shops here but none open. Drunkenness has diminished the past year. We have no active moral suation society, and public sentiment needs education. I think rum shops in druggists' disguise have diminished.

Rum, and I mean by that all intoxicants, comes here by express and in various ways, from Boston, to private parties by the quantity, and I trace nearly all the drunkenness hereabouts now, to that source.

## OXFORD.

*The law admirably efficient throughout the county.*

PARIS.

There may be two or three places in this town where intoxicants can be obtained secretly and in limited quantities, but no open sales. In the past two years, drinking doubtless has increased in some of the villages, among young men, but not generally. We have no temperance society in town, except a Good Templars' Lodge at South Paris.

Our officers do not deem it their duty to enforce the law unless complaint is made and the name of witnesses furnished them, and this is generally the excuse for the non-enforcement of the law.

I think illegal drug stores have diminished under the new law.

In my judgment, the principal difficulty in enforcing the prohibitory law lies in the reluctance of the people to make complaint and give evidence of liquor selling, and the unwillingness of the properly constituted officers to enforce the same. The rum power is strong in our villages, and makes itself felt in our elections, hence officers who depend upon the votes of the people are wary about giving offence to rum sympathizers, unless they feel compelled to do so by pressure.

I would suggest that the prosecuting officers be appointed in all cases by the Governor and given sufficient pay to make it and object for them to enforce the law. I would also have them prosecute and punish all cases of drunkenness.

Another difficulty is the practice of officers of summoning only the lowest classes for witnesses. Respectable men, if known to be purchasers of intoxicating liquors, are seldom if ever summoned, while the degraded class, who will not hesitate to commit perjury, are called as witnesses. This, of course, is the fault of the officers. If our present law could be enforced as other laws are, I have no doubt that rum-selling would within one year be virtually ended in Maine.

DENMARK.

I have no proof that there is any secret sale of liquor in this town, but I suspect one to be selling in a small way. We have no open grog shop and there has been no recent increase in drunkenness or drunking here. We have no active moral reform organization in town.

I think when the law is not well enforced one cause is that many who profess temperance secretly side with the rumseller when there is an attempt at enforcement.

We never had a drug store in this town.

I suggest that the Good Templars organize a lodge in every town in Maine, where there is none at present, and thus educate the young.

NORWAY.

I know of no grog shops in town either open or secret. I think there may be one place where a few can obtain liquor; not more than one. There are several places, four I think, where lager beer is kept and sold to the "right persons."

I think drunkenness on the streets has decreased the past two years, owing, perhaps to the fact that quite a number were prosecuted and some confined in jail for disturbance. We have a large and flourishing lodge of I. O. of G. T. and occasional temperance meetings are held by the citizens. I think the law is as well enforced as in any place of our size of my acquaintance. We have but two drug stores. Neither of them could ever be called grog shops under the old law. I think neither of them "dabbles" at all now.

The thing most needed is some effective way of stopping the importations by express and the peddling from the pocket of a bottle at a time. Pocket peddling is the worst thing we have to contend with here. No doubt a great deal of liquor is obtained in small quantities by low-lived fellows and sold in smaller quantities to their associates. It is very difficult, perhaps impossible to deal with this kind of liquor selling effectively, but it is the most troublesome of anything here and I have not a doubt the same may be said truthfully of other places.

BETHEL.

There are no secret or upon rum shops in this town. There has been no increase in drinking here the past two years. We have a Lodge of Good Templars here and a healthy public sentiment.

EAST SUMNER.

I am not aware of, nor do I believe, that any secret places exist in town where intoxicants are sold. Cases of intoxication are very rare indeed, in town, and these are usually by non-residents. Sumner is practically a strong temperance town. We have at the east a strong efficient Lodge of Good Templars of 18 years experience, and our young men are eager to identify themselves therewith as soon as they arrive at the required age. I am confident that our municipal officers would be on the alert if any attempt were made to sell liquors contrary to law, in town. We have no saloons or drug shops, and it is a decidedly unpopular act for one to openly drink liquors or furnish them to others.

In Sumner, liquor drinking is most certainly on the decrease. The popular sentiment of the people is strongly against such a practice. Our leading idea is, to early educate our young men in habits of sobriety and prohibition.

FRYEBURG.

There is no secret grog shop here, but I suspect there may be one or two places here where liquor may be obtained by those who give the wink.

There is less general drunkenness here than two years ago; but the pocket bottle is passed around oftener for a drink.

We have the Fryeburg Temperance Association, which holds its meetings fortnightly.

The law is quite well enforced and is well sustained by public sentiment.

There are fewer rum shops in druggists' disguise.

We are so near the New Hampshire line that pocket carriage across the border is our great evil. More tipple comes to us in that way now than in any other.

CANTON.

There are no open and I know of no secret grog shops here. Drunkenness, however, has increased here in the past two years. We have the Good Templars and Reform club here. Both officers and public are generally to blame where the law is not enforced. No change in the number of drug stores here. The alleged temperance officials and politicians who drink behind the curtain are the greatest injury to the cause.

## PENOBSCOT.

*The law well enforced in country towns, but not enforced in Bangor.*

BANGOR.

In Bangor there is no attempt to enforce the prohibitory law, as far as I can see. Public opinion here is chiefly at fault.

GARLAND.

We have had no open grog shops in this town for the last 35 years. There has been but little intemperance in the period named. Most of this "little" has been from cider which has been consumed and sold by those that made it from the products of their own orchards. Ten years ago, the active friends of temperance united in an effort to make cider-making and cider-drinking disreputable. As the result, cider-drinking has dwindled to a small fraction of what it was ten years ago, and cider-drinking in like ratio.

We are now suffering from this evil less than ever in the past.

Except at short intervals, there has been one or more temperance organization in existence for more than 50 years. There are now two—a Citizen's Temperance society and a lodge of Good Templars. Our comparative exemption from intemperance has been due mainly to a sound public sentiment. "The terrors of the law" have aided.

EXETER.

We have one or more secret grog shops, I suspect; but we have no open rum shop. I think there is more drinking than two years ago, because they can get it handier. We have no drug store here.

ORONO.

I do not know whether there are any secret grog-shops in town or not. By common report there are three or four open shops. I don't think there is so much drunkenness as two years ago. We have a Good Templars' lodge here. We never had any rum shops disguised as drug stores.

DEXTER.

I do not know that there is any secret grog shop in Dexter, but I strongly suspect there are such. I could not say there is no open grog shop here, but I do not believe there is any. So far as outside appearances go, there is very little drinking or drunkenness here, but there are those who claim that there is a great deal of drunkenness that does not appear in public.

The Reform club movement was strong here for several years but died out for lack of interest. A Good Templars lodge and a Juvenile Temple have been organized within a few months, and are now very prosperous. Several attempts to enforce

the law of late have only partially succeeded. I will not undertake to say where the fault lies. I believe there is a disposition to sneer at and ridicule or even abuse any person who undertakes to enforce the law.

I believe there has been more caution as to the sale of liquors since the new law was enacted, but believe the fear of punishment is fast disappearing. If I were to suggest anything in regard to the needs of prohibition it would be that the violations of the law by purchasers should be visited with as heavy penalties as those placed upon the sellers, and that drunkenness should be prima facie proof of an illegal purchase. I believe enforcement from this side of the spirituous stronghold would strike its most vital point.

NEWPORT.

No open or secret grog shops in our village. It is said that there are one or two places outside the village (farmers) who peddle some old cider. No liquor of any kind has been sold openly as a beverage for many years. Our druggist has always sold for medicinal purposes and with perfect satisfaction, so far as I know, to the temperance people, but since the law of last winter went into effect, he sells none at all. At the present time, there is a flourishing order of Good Templars and there is now, and has been for many years a strong public sentiment in favour of prohibition.

My opinion in regard to prohibition in our state, is that our law is good enough and all we need is officers who will not yield to the influence of hush money, but enforce the law without fear or favour. When such officers can be elected and supported by the people in the performance of their duties, then our state will have prohibition in reality as well as in name.

## PISCATAQUIS.

*A very dry and prosperous and happy county.*

GUILFORD.

I do not know of a place in our village where strong drink can be purchased. There are two places where we are at times a little suspicious that all is not right.

We see but very little drunkenness. There are half a dozen men in our village who are most certain to get intoxicated when they can obtain the ardent but we seldom see them going wrong.

I think that the punishment for selling intoxicants should not be by fine, but imprisonment wholly and for a longer time than the law specifies. One thing is certain, that in many places, the officers of the law do neglect duty.

MONSON.

We have no open and no secret grog shops. There has been no increase of drinking in the past two years. We have a vigorous and healthy public sentiment but no temperance society. The new law has diminished the number of grog shops disguised as drug stores. We have good officers and our people back them.

GREENVILLE.

I do not know of any secret grog shops in this place, though certain events seem to point to the existence of such. There are no open grog shops in this place; what of liquor is sold for tippling purposes is sold secretly. There has been an increase of drunkenness in this place within the past few months. This is the result of a large influx of men who come to work on the railroad. I do not think there has been any increase of this vice among our citizens. So far as I can judge,

the failure in the matter of a proper enforcement of the law against liquor selling and tippling is due both to a laxness on the part of the proper officers, as to a prompt performance of their plain duties, and to a sad indifference on the part of the public in the matter. We have an active lodge of Good Templars, that is doing good, to the young, especially. It seems to me that the great need in the matter of prohibition is the rousing of the public mind to the fearful work that is being done by the rum power, until there shall be such a demand for the earnest enforcement of our laws as shall compel the proper officials to promptness and vigor in the discharge of their duties. When there occurred in this village a few weeks since, a solitary case of small pox, there was such a realization in the public mind of the danger, and such demand for prompt measures to stamp out the infection, that had the health officers been indifferent to the matter—though they were not—they would have been compelled to take stringent measures at once to prevent the spread of the infection. In this community, or in any other in the state, a similar realization of the vastly greater dangers that emanate from the grog-shops, and a similar demand from the people for prompt measures to stamp out this far more dangerous infection, would compel the officers to see that the law was rigidly enforced.

BLANCHARD.

There are no open nor secret grog shops in our town, and no drug stores of any class. A drunken man is an object seldom seen in our midst, and when seen it is ssme transient person. We have a flourishing lodge of Good Templars, and thus our young men are kept from the habit of tippling. We have no grog shops disguised as drug stores. In my judgment one great need of the prohibition move, in our state, is the co-operation of the more influential and business men and leaders in whom the public have confidence. I am pleased that your paper takes so strong ground on the temperance question.

DOVER.

There is no open or secret rumselling here. Drinking and drunkenness have decreased here the past two years. We have active temperance societies. The law is well enforced and is supported by a strong public sentiment. The present law works admirably. More efficient than any previous one. It is all we need here. No liquor can be purchased. An occasional package comes by express from Boston. One half is usually seized by the sheriff. We are working 75 Italians without the least disturbance. They are quiet and orderly. Cannot get even cider. One small lot was furnished when they first came, but the parties furnishing it quickly left town, since which time all is quiet.

MILO.

There are no secret or open grog shops in Milo, there are no open grog shops in town or anything that has the appearance. I should say that in the past two years drunkenness has decreased and is still decreasing.

We have a Good Templars organization which is in active operation, the law has been well enforced by our sheriff, and public opinion sustains it. We think that there are no rum shops disguised as drug stores. Our tavern is strictly a temperance one.

## SAGADAHOC.

*The law well enforced in general but not in particular.*

BATH.

The law is not well enforced here. The sale of liquor is practically unrestrained, except by night, Sundays and on holidays. There are no open bars with a layout on the street front, so far as I have observed. I am told that the bars here are one room back from the street, and that anybody can buy.

## SOMERSET.

*The traffic driven into secret holes and corners.*

### SKOWHEGAN.

I think that there are seven places where intoxicating liquors are sold secretly and contrary to law. There are no open grog shops, no layout of decanters and bottles. I do not think drunkenness has increased any the past two years

There are active temperance organizations in town that are the means of restricting the sale.

The law is fairly enforced—perhaps as well as public opinion will back up the officers. Public opinion or sentiment is not what it should be.

The druggists are not now selling as much as before the new law. Two or three do not sell any. A town agency has been established and the trade that went to the drug stores, now goes to the agency. One thing we surely need in Maine, is a stronger genuine sentiment in favor of prohibition, not more men who will vote for more law, but more men who will live and act as they vote. Especially should the young be trained to have right views. There is not so much less rum sold here than before the new law. It is sold more secretly—more sold from the pockets. What is sold at the agency makes up for those that have discontinued. If a man has a dollar that he wants to spend for rum, he will find in almost any town in Maine, somebody who wants and will take his dollar.

### FAIRFIELD.

I have no knowledge of any open or secret grog shops in town. Drinking or drunkenness has not increased in this place in the past two years.

We have no active moral suasion movement, except a Juvenile Temperance Society, in our midst.

The law is not well enforced. The fault is official. The officers are lax because of a lax public sentiment.

In my judgment the number of rum shops, disguised as drug stores, has decresed since the new law took effect.

Instructions from the Governor to executive officers in all the counties, to execute the laws faithfully and impartially without fear or favor, and continue these instructions from time to time will be very effectual in creating public sentiment, and in having the laws enforced.

### DETROIT.

I do not know that there is any secret grog shop in Detroit, but have good reason to suppose there are four, at least and possibly five. There are no open grog shops. "Drinking or drunkenness" remains about the same as for two or three years past. There being no "active moral suasion movement in our midst," the temperance question and sentiment is rather in the background. There is a very lax public sentiment and the officers are as lax (or more so) as the public. In my judgment, the number of rum shops disguised as drug stores has "decreased since, the new law took effect," in this vicinity. Let the good work of enforcing the law or laws, begun by Governor Bodwell, go on. Let there be uniformity of it all over Maine. Let temperance organizations do all in their power to subdue intemperance in the midst of every community and if this fails let there be a special "true blue" officer in every community who has good right and full authority to enforce the law to the letter regardless of public sentiment in that community. In my humble opinion were many towns provided with a special state officer to look after grog shops, there would be less of them at the present.

### HARTLAND.

I do not know of any grog shops, but we see parties under the influence of drink; it is evident it is obtained here. There are no open shops here. I think drunken-

ness has diminished a little for the past two years. We have the W. C. T. U., at present, and have until recently had an order of Good Templars; it seems the latter has been replaced by the former. The temperance law is not well enforced, owing principally to a lax public sentiment. Our druggist has sometimes furnished liquors for medicinal use strictly; now he only uses it for compounding medicines.

Our community is made up of three classes:—First, those who would do away with intoxicants altogether, and do not deem it needful as a medicine. There are others to the other extreme, would like to have it free to all; and the third use it as a medicine only. These three divisions are probably of about equal numbers. The last has usually acted with the first,—not always,—and are at the present time a little dissatisfied with the present situation. Our agency has been abolished. The druggist cannot supply their wants. There is beyond a doubt considerable dissatisfaction among this third class.

I am of the opinion that the state should have control of the whole matter; furnish pure liquors for legitimate purposes at a low price; see that it is in the hands of parties in sympathy with temperance principles, and no other. Rum sellers and rum drinkers should be punished alike. They should be made to labor for their families and the public instead of being allowed to ruin both. The towns cannot do this but the state can quite well, and the nation could do it still better, if they wished to do so. The parties whose duty it is to execute the law should be as high in authority as those who legislate or make the same. Towns and communities differ so much in public sentiment on this question, that it is impossible to get a thorough, continuous enforcement of the laws.

#### NORRIDGEWOCK.

There are neither open nor secret grog shops or other places where liquor is sold here.

The sale and use of intoxicants in this town has decreased steadily for the last ten years. This has been due to the fact that there has been a strong public sentiment against it which has led to the seizure of nearly all packages brought from out the state by the express companies, and the prosecution of pocket sellers. We have a Good Templars' Lodge here but it is very largely social in its character. The most of the liquor used here comes from Skowhegan.

I think the new law has had no effect upon our drug stores. In my opinion, the great danger to the temperance cause lies in the fact that its friends put too much confidence in the effect of the constitutional amendment and the act of the last legislature, believing that by them the rumseller is to be so badly frightened that the sale is to stop within the state; that the newspapers, in saying so much in regard to the good results of last winter's legislation in decreasing the number of United States licenses and the consequent falling off of sales, help to increase the feeling of security, when, as a matter of fact unless the press and the active temperance people warn the public and keep them strong in the support of the officers in the enforcement, liquor selling will go on in the larger towns and many of the cities in the future as in the past. I regard the press and the heads of families as responsible for the suppression of the traffic. I believe there has been law enough within the last ten years, if enforced.

## WALDO.

*The law well enforced, except in Belfast, and a revival of enforcement in Belfast.*

#### BELFAST.

We have in Belfast five, perhaps six rum shops, but are very secret, and are run very darkly.

We have four or five open grog stores. There were twenty years ago; but even these five are cautious not to display bottles and glasses. Persons go in, and undoubtedly drink in the back shops.

Drinking and drunkenness remain about the same as for five or ten years, on an average. During the past few weeks, since Gov. Bodwell appointed a special constable, drunkenness has decreased.

We have a Good Templars Lodge, W.C.T.U., and the pulpits.

The public sentiment is not very healthy. The officers have often said they would enforce the law, when borne out by public sentiment. Mr. Mitchell by enforcing the law, is creating public sentiment. The recent movement of Gov. Bodwell has given much aid in that direction.

There are four drug stores. Two of them, at least, are now doing a legitimate business.

LIBERTY.

There are no open and no secret grog shops in town. At times within two years I have seen some drunkenness, but it has been caused by old cider. We have no moral suasion society in town. The people want the law enforced, but want the officers to execute it.

I think we should have an agency either here or at Belfast, and why we don't have it is because the rum element want to make it hard for honest needs to be supplied in order to kill the present law.

The number of rum shops disguised as drug stores has slightly decreased since the new law went into effect.

THORNDIKE.

No open or secret grog shops and very little drinking. We have an active temperance society. There is less and less drinking here as the years go by.

UNITY.

I am happy to say I think there are no open and no secret grog shops in ex-Governor Dingley's old town.

I think drunkenness has not increased in the last two years.

We have an active Templars' Lodge in town. I think there is both official and public fault in executing the law. Neither the public nor its officers are fully in earnest.

I think there are no dram shops diguised as drug stores here. The two great trigs under the car of temperance are cowardice and inaction.

We need more Frances E. Williards to drive these two great enemies out of hearts of the American men and women.

Our hope of success is with the children. If every S. S. superintendent would introduce to his school the threefold pledge, intemperance, the use of tobacco and profanity would be very greatly checked. Such scholars when they become voters will sustain none but temperance men.

If all our public papers would take the noble stand of the *Journal*, king alcohol would have hard work to drive his car along.

## WASHINGTON.

*Some tribulations in the border towns.*

From Washington county our correspondents report good enforcement in general, but in the border towns there is more or less trouble.

## YORK.

*Biddeford's dram shops secret, but outside of Biddeford law well enforced.*

### OLD ORCHARD.

There is no open bar here so far as I know, but the thirsty can get a little suthin' for their often infirmity, judging by their symptoms.

### BIDDEFORD.

There are no open bars here, but a good deal of semi-secret liquor selling.

### AN EX-DRUGGIST'S SUGGESTION.

One gentleman, an old druggist, writing from a Maine town, says: "I have good reasons to believe the morals and general intelligence will compare favourably with others. Now, I was in the drug business twelve years, with a good trade. We kept on hand spirits, as do all druggists. We sold more or less, mostly alcohol, to the very best people of our town, men and women of the best society, members of churches and of the temperance club. This was not for drinking, but for bathing and for the various preparations used in cooking. I often attended the club, listened to the speeches of many of our good citizens against the use of spirits—and before the week was out they would come in with their bottle to be filled with alcohol. Now, these were all temperance people, they do not drink, but do use more or less of the article. I write this that you may see plainly that while such sentiment pervades the mind there will not be a general movement to enforce prohibition. Now, my opinion is this: spirits as a medicine are seldom needed, and in most cases when needed at all, alcohol will answer just as well. Alcohol is all that is really needed by the druggist in the compounding of medicine. In fact, it is the base of all compounding, so that, in fact, no other spirit is needed by the druggist. All other kinds are kept for doctors' recipes and for sale for drinking purposes. Hence, there is no call for the keeping of any kinds but alcohol. Now, if we could have a law requiring towns to appoint an agent to keep alcohol and nothing else, it must remain objective to a rigid enforcement of the present law. Let me say here, you would be surprised to find so many of our best people, temperance people, too, who are in the habit of wanting some spirit for family use. I could not think it, did I not know it to be so from experience.

# APPENDIX No. 112.

NOTE.—In the following returns of arrests in cities in the State of Maine, the population for the years 1880 and 1890 is taken from the United States Census returns. In other years, where it has not been obtained from local records, it has been estimated.

STATEMENT of the total arrests for all offences and total arrests for drunkenness, in the city of Bath and Maine, for the undermentioned years:—

| Year. | Population. | Total arrests. | Per 1,000 of population. | Arrests for drunkenness | Per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 7,875 | ..... | ..... | ..... | ..... |
| 1887 | 8,430 | 344 | 40·80 | 102 | 12·08 |
| 1888 | 8,525 | 300 | 35·19 | 173 | 20·29 |
| 1889 | 8,625 | 384 | 44·52 | 190 | 22·02 |
| 1890 | 8,723 | 336 | 38·51 | 246 | 28·20 |
| 1891 | 8,850 | 394 | 44·51 | 199 | 22·48 |
| 1892 | 8,980 | 286 | 31·84 | 194 | 21·60 |

# APPENDIX No. 113.

STATEMENT of the total arrests for all offences, and total arrests for drunkenness, in the city of Bangor, Maine, for the undermentioned years:—

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 16,857 | 520 | 30·84 | 262 | 15·54 |
| 1881 | 17,017 | 622 | 36·55 | 340 | 19.98 |
| 1882 | 17,195 | 674 | 39·19 | 317 | 18·43 |
| 1883 | 17,380 | 792 | 45·98 | 397 | 22·84 |
| 1884 | 17,600 | 672 | 38·18 | 344 | 19·54 |
| 1885 | 17,795 | 1,175 | 66·02 | 745 | 41·86 |
| 1886 | 17,990 | 1,094 | 60·81 | 813 | 45·19 |
| 1887 | 18,200 | 1,443 | 79·28 | 875 | 48·07 |
| 1888 | 18,460 | 1,389 | 75·24 | 898 | 48·64 |
| 1889 | 18,750 | 1,490 | 79·46 | 915 | 48·80 |
| 1890 | 19,103 | 1,625 | 85·06 | 945 | 49·46 |
| 1891 | 19,555 | 1,696 | 86·72 | 1,048 | 53·59 |
| 1892 | 20,100 | 1,491 | 74·17 | 975 | 48·50 |

# APPENDIX No. 114.

STATEMENT of the total arrests for all offences, and arrests for drunkenness, in the city of Lewiston, Maine, for the undermentioned years :—

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 19,083 | ..... | ..... | ..... | ..... |
| 1890 | 21,701 | ..... | ..... | ..... | ..... |
| 1891 | 22,000 | 419 | 19·04 | 312 | 14·18 |
| 1892 | 22,350 | 403 | 18·03 | 265 | 11·89 |

REMARKS.

The Commissioners have not been able to obtain the return of arrests prior to 1891.

The following is a copy of a letter from the city Marshal of Lewiston. It refers to the arrests in that place and the working of the prohibitory law there :—

OFFICE OF CITY MARSHALL,
LEWISTON, MAINE, 13th Nov., 1892.

Sir J. HICKSON,
Chairman of the Royal Commission on the Liquor Traffic,
Montreal.

Mr. Brown, agent of the Grand Trunk Railway at Lewiston, called my attention to-day to your letter to Deputy Marshal Lejeunesse in reference to arrests not presented to the court.

Now as the deputy is not here, and is at present in Canada, and has been for the past three months, I will try and inform you as to the facts, as follows :—

You say that he promised to forward the number for the past two years. Now that is impossible, as there is no records kept of such arrests, and the only way left is to estimate, and that, in my judgment, would make the number not presented about equal, as I am quite positive that we let off as many as are prosecuted, and for this the following reasons. First. Many that are arrested for drunkenness have large families, and if they are taken before the court they are fined or imprisoned, and in a great many cases the families of such are left as wards of the city during such imprisonment, and often lose their jobs. And others, as a rule, when it is the first offence, we consider the promises and past of such and give a chance to do better, in many cases they would borrow the fine from the grocer or some friend, and the family often suffer for the necessaries of life while paying such bills; and for that and several reasons, we think it best to give them one more chance, and in fact we give some several chances, sometimes, on account of family connections. That is not only the facts in the case in Lewiston, but I know it to be the same in other cities of this state, and if I was to figure on the number of arrests made in Maine the past year, I would take the court records and multiply them by two, and then I think I would get nearer to the correct number of arrests, and in some cases the municipal officers intercede for certain constituents when arrested, so you will have to judge for yourself to a great extent.

Now, in addition to the above, I give you my opinion of the prohibitory law, as I was absent from the city when you and the other members were here.

First. It does not prohibit.

Second. It seems to furnish the poorest kind of liquor.

Third. The cheapest kind of criminals engage in the business, and we have a great amount of pockets picked by such men in the business when their customers are drunk, so that in many cases it encourages sneak thieving.

Fourth. The officers that are appointed to enforce the law, enforce it as a rule in the interest of the political party that they represent, so some are continuously being prosecuted, while others are never troubled. Now, in relation to a temperance life, I give you my own.

I am thirty- four years of age, and have never drunk a glass of intoxicating liquor in my life, and have never used tobacco in any form, and I think that temperance is the proper thing for everybody, if it could be so. I have belonged to temperance societies, and held office in such for the sake of trying to get others into them, not that I have feared my own weakness, as my mother raised four sons to manhood, and not one of them up to the present time have ever drunk a glass of liquor or ale, and only two ever used tobacco.

I state the above to show you that I and my family believe in temperance, but I am positive that if it came to a question of high license or prohibition, that we would all vote for high license, as I think the cause of temperance would be benefited more with high license than with prohibition, and public sentiment would stand behind the officers of the law in its enforcement, which is not the case at present.

Hoping that the above will answer your enquiry and would assist you in any way to have you get the best information to do justice to the question.

I remain, respectfully,

A. E. McDONOUGH,
*City Marshal.*

# APPENDIX No. 115.

STATEMENT of the total arrests for all offences, and total arrests for drunkenness, in the City of Portland, Maine, for the undermentioned years :—

| Year ending February 28. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 33,810 | 2,213 | 65·45 | 1,469 | 43·44 |
| 1881 | 34,035 | 2,065 | 60·67 | 1,219 | 35·81 |
| 1882 | 34,265 | 2,336 | 68·17 | 1,455 | 42·46 |
| 1883 | 34,505 | 2,250 | 65·20 | 1,427 | 41·32 |
| 1884 | 34,755 | 2,281 | 65·63 | 1,510 | 43·44 |
| 1885 | 35,015 | 2,038 | 58·20 | 1,088 | 31·07 |
| 1886 | 35,275 | 2,098 | 59·47 | 1,142 | 32·40 |
| 1887 | 35,545 | 2,362 | 66·45 | 1,561 | 43·90 |
| 1888 | 35,820 | 2,169 | 60·55 | 1,368 | 38·19 |
| 1889 | 36,120 | 1,947 | 53·90 | 1,230 | 34·05 |
| 1890 | 36,425 | 1,922 | 52·76 | 1,211 | 33·24 |
| 1891 | 36,725 | 1,500 | 40·84 | 917 | 24·96 |
| 1892 | 37,050 | 1,313 | 35·43 | 874 | 23·58 |
| 1893 | 37,400 | 2,110 | 56·42 | 1,464 | 39·14 |

# APPENDIX No. 116.

STATEMENT of the total arrests for all offences, and arrests for drunkenness, in the City of Auburn, Maine, U.S., for the undermentioned years :—

| Year ending February. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 9,555 | ..... | ..... | ..... | ..... |
| 1882 | 9,800 | 70 | 7·14 | 20 | 2·04 |
| 1883 | 9,945 | ..... | ..... | ..... | ..... |
| 1884 | 10,095 | 100 | 9·90 | 47 | 4·65 |
| 1885 | 10,255 | 88 | 8·58 | 45 | 4·38 |
| 1886 | 10,430 | 53 | 5·08 | 29 | 2·78 |
| 1887 | 10,615 | 57 | 5·36 | 34 | 3·20 |
| 1888 | 10,800 | 134 | 12·40 | 83 | 7·68 |
| 1889 | 11,005 | 187 | 16·99 | 132 | 11·99 |
| 1890 | 11,250 | 159 | 14·13 | 98 | 8·71 |
| 1891 | 11,550 | 176 | 15·23 | 112 | 9·69 |
| 1892 | 11,950 | 183 | 15·31 | 131 | 10·96 |
| 1893 | 12,400 | 207 | 16·69 | 151 | 12·17 |

REMARKS.

The following letter has been received from the city marshal in regard to the arrests for 1893-4 (year ended in February). This letter shows a very large increase in the arrests for drunkenness:—

OFFICE OF THE CHIEF OF POLICE,
AUBURN, MAINE, 28th February, 1894.

B. N. MONAGHAN, Secretary,

DEAR SIR,—Yours of the 23rd at hand. My report in full is as follows, viz.:—

| | |
|---|---|
| Intoxication | 293 |
| Vagrancy, tramps and idle persons | 112 |
| Intent to cheat and defraud | 23 |
| Assault and battery | 25 |
| Larceny | 19 |
| Taking logs from river | 5 |
| Tresspassing | 5 |
| Ball playing | 4 |
| Search and seizure | 5 |
| Unlawful assembly | 4 |
| Fast driving | 3 |
| Arson | 3 |
| Adultery | 3 |
| Obstructing side-walk | 1 |
| Insane persons | 2 |
| Cruelty to animals | 1 |
| Malicious mischief | 1 |
| Fornication | 1 |
| Nuisance | 1 |
| Obstructing street | 2 |
| Common runaway | 1 |
| Resisting an officer | 1 |
| Selling cigarettes to minors | 1 |
| Disturbing religious meeting | 1 |
| Contempt of court | 1 |
| Bicycle riding on sidewalk | 1 |
| Eavesdropper | 1 |
| Seizure of intoxicating liquor | 7 |
| | 527 |

My experience tells me one cause to be the large number of people out of employment, and another the non-enforcement of the law in liquor traffic, and the strickness on the part of the Auburn police to do their duty for the past year.

Respectfully,

W. S. LARRABEE.

# APPENDIX No. 117.

STATEMENT of the total number of persons arrested during the undermentioned periods in the city of Augusta, Me., and of the number arrested for drunkenness.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 8,666 | ..... | ..... | ..... | ..... |
| 1882 | 8,936 | 591 | 66·13 | 130 | 14·54 |
| 1883 | 9,080 | 422 | 46·47 | 217 | 23·89 |
| 1884 | 9,245 | 397 | 42·94 | 253 | 27·36 |
| 1885 | 9,420 | 372 | 39·49 | 215 | 22·82 |
| 1886 | 9,594 | 375 | 39·08 | 162 | 16·88 |
| 1887 | 9,786 | 330 | 33·72 | 225 | 22·99 |
| 1888 | 10,000 | 403 | 40·30 | 233 | 23.30 |
| 1889 | 10,292 | 619 | 60·14 | 374 | 36·33 |
| 1890 | 10,527 | 567 | 53·86 | 364 | 34·57 |
| 1891 | 10,764 | 301 | 27·96 | 194 | 18·02 |
| 1892 | 11,000 | 229 | 20·81 | 113 | 10·27 |
| 1893 | 11,000 | 299 | 27·18 | 158 | 14·36 |

# APPENDIX No. 118.

STATEMENT of the total arrests for all offences, and arrests for drunkenness, in the city of Biddeford, Maine, U.S., for the undermentioned years:—

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 12,652 | ..... | ..... | ..... | ..... |
| 1887 | 13,812 | 245 | 17·73 | 118 | 8·54 |
| 1888 | 14,000 | 300 | 21·42 | 233 | 16·64 |
| 1889 | 14,240 | 341 | 23·94 | 249 | 17·48 |
| 1890 | 14,443 | 300 | 20·78 | 219 | 15·16 |
| 1891 | 14,683 | 449 | 30·57 | 252 | 17·08 |
| 1892 | 14,948 | 528 | 35·32 | 340 | 22·74 |

# APPENDIX No. 119.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the city of Hallowell, Maine, U.S., for the undermentioned years:—

| Year ending February. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 3,154 | ..... | ..... | ..... | ..... |
| 1888 | 3,176 | 48 | 15·11 | 21 | 6·61 |
| 1889 | 3,179 | 34 | 10·69 | 18 | 5·65 |
| 1890 | 3,181 | 57 | 17·91 | 30 | 9·43 |
| 1891 | 3,185 | 75 | 23·54 | 39 | 12·24 |
| 1892 | 3,190 | 63 | 19·74 | 24 | 7·52 |
| 1893 | 3,200 | 52 | 16·25 | 33 | 10·31 |

# APPENDIX No. 120.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the city of Waterville, Maine, for the undermentioned years:—

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 4,672 | ..... | ..... | ..... | ..... |
| 1891 | 7,350 | 134 | 18·23 | ..... | ..... |
| 1892 | 7,593 | 81 | 10·66 | 53 | 6·98 |
| 1893 | 7,836 | 144 | 18·37 | 100 | 12·76 |

# APPENDIX No. 121.

STATEMENT of the total arrests for all offences, and arrests for drunkenness, in the city of Westbrooke, Maine, U.S., for the undermentioned years:—

| Years. | Population, | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 3,981 | ..... | ..... | ..... | ..... |
| 1885 | 5,000 | 34 | 6·80 | 4 | 0·80 |
| 1886 | 5,250 | 59 | 11·23 | 6 | 1·14 |
| 1887 | 5,525 | 62 | 11·22 | 12 | 2·17 |
| 1888 | 5,800 | 36 | 6·20 | 11 | 1·89 |
| 1889 | 6,250 | 58 | 9·28 | 19 | 3·04 |
| 1890 | 6,632 | 51 | 7·68 | 19 | 2·86 |
| 1891 | 6,950 | 39 | 5·61 | 6 | 0·86 |
| 1892 | 7,450 | 19 | 2·55 | | 0·80 |

# APPENDIX No. 122.

STATEMENT of the total arrests for all offences, and arrests for drunkenness, in the city of Rockland, Maine, U. S., for the undermentioned years :—

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 7,599 | ..... | ..... | ..... | ..... |
| 1882 | 7,660 | 327 | 42·68 | 120 | 15·66 |
| 1883 | 7,704 | 259 | 33·61 | 94 | 12·20 |
| 1884 | 7,750 | 172 | 22·19 | 121 | 15·61 |
| 1885 | 7,800 | 184 | 23·59 | 100 | 12·82 |
| 1886 | 7,855 | 163 | 20·75 | 115 | 14·64 |
| 1887 | 7,920 | 111 | 14·01 | 48 | 6·06 |
| 1888 | 7,985 | 185 | 23·16 | 131 | 16·40 |
| 1889 | 8,095 | 223 | 27·54 | 185 | 22·85 |
| 1890 | 8,174 | 295 | 36·09 | 221 | 27·03 |
| 1891 | 8,294 | 298 | 35·90 | 195 | 23·51 |
| 1892 | 8,430 | 392 | 46·50 | 298 | 35·35 |

# APPENDIX No. 123.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the city of Gardiner, Maine, U. S , for the undermentioned years :—

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 4,439 | ..... | ..... | ..... | ..... |
| 1888 | 5,220 | 284 | 54·40 | 162 | 31·03 |
| 1889 | 5,359 | 357 | 66·61 | 275 | 51·31 |
| 1890 | 5,491 | 505 | 91·96 | 390 | 71·02 |
| 1891 | 5,641 | 439 | 76·74 | 330 | 58·50 |
| 1892 | 5,816 | 338 | 58·11 | 268 | 46·07 |
| 1893 | 6,000 | 272 | 45·33 | 214 | 35·66 |

# APPENDIX No. 124.

STATEMENT of the total arrests for all offences, and arrests for drunkenness in the city of Saco, Maine, U.S., for the undermentioned years :—

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1880 | 6,396 | ..... | ..... | ..... | ..... |
| 1882 | 6,361 | 95 | 14·93 | 51 | 8·01 |
| 1883 | 6,341 | 73 | 11·51 | 41 | 6·46 |
| 1884 | 6,316 | 88 | 13·93 | 50 | 7·91 |
| 1885 | 6,291 | 71 | 11·28 | 37 | 5·88 |
| 1886 | 6,266 | 66 | 10·53 | 37 | 5·90 |
| 1887 | 6,226 | 44 | 7·06 | 22 | 3·53 |
| 1888 | 6,181 | 71 | 11·48 | 42 | 6·79 |
| 1889 | 6,115 | 99 | 16·18 | 56 | 9·15 |
| 1890 | 6,075 | 125 | 20·57 | 76 | 12·51 |
| 1891 | 6,000 | 97 | 16·16 | 40 | 6·66 |
| 1892 | 5,925 | 116 | 19·57 | 57 | 9·62 |

# APPENDIX No. 125.

STATISTICS of persons convicted of the offence of intoxication, and for being common drunkards, before the Municipal Court, Portland, Maine, from 1st January, 1888, to 1st January, 1893 :—

| Year. | Intoxication, fines imposed and result of same. | | | | Intoxication, jail sentences. | | Common drunkards, jail sentences. | |
|---|---|---|---|---|---|---|---|---|
| | No. of imposed fines. | No. paid. | No. suspended | No. committed for non-pay. | No. sentenced. | No. suspended | No. sentenced. | No. suspended |
| 1888 | 420 | 159 | 91 | 170 | 146 | 47 | 146 | 35 |
| 1889 | 417 | 169 | 79 | 169 | 168 | 44 | 102 | 15 |
| 1890 | 421 | 135 | 64 | 222 | 103 | 34 | 128 | 22 |
| 1891 | 462 | 189 | 118 | 155 | 93 | 22 | 78 | 21 |
| 1892 | 191 | 83 | 37 | 71 | 84 | 21 | 50 | 11 |

NOTE—The judge of the Municipal Court, Portland, stated that in 1892 the police did not make all the arrests they should have made, and that drunken men went up to the officers and dared them to arrest them.

# APPENDIX No. 126.

## STATE OF MAINE.

STATEMENT showing number of inmates remaining in Maine insane hospital at end of undermentioned years:—

| Year ending November 30th. | No. of inmates remaining at end of year. |
|---|---|
| 1881 | 450 |
| 1882 | 461 |
| 1883 | 464 |
| 1884 | 460 |
| 1885 | 486 |
| 1886 | 528 |
| 1887 | 552 |
| 1888 | 578 |
| 1889 | 580 |
| 1890 | 626 |
| 1891 | 673 |
| 1892 | 685 |

EXTRACT FROM TRUSTEES' REPORT, MAINE INSANE ASYLUM, 1892.

"We are confronted with the fact that the insane population of the hospital is larger than at any previous period, and that the present accommodations for patients are entirely exhausted. We find a list on the hospital books for 51 patients who pay all of their own bills from their own funds. There are 87 patients who are entirely beneficiaries of the state, and 547 patients who receive respectively from the state $1.50 as a weekly stipend towards their support. The balance for board is either paid by towns or individuals. The institution receives for board, and taking care of an individual patient, from $4 to $8, according to accommodations, as a weekly compensation for such services, and the annual aggregate sum which the state receives from these sources is $154,386.18. This apparently large amount of money is nearly exhausted in furnishing food, clothing, medicine, employees, and meeting other necessary expenditures connected with hospital life. Such surplus of profit as arises therefrom is judiciously expended towards repairing the wear and tear incident to the appurtenances and surroundings of an immense hospital structure. The number of insane in the state of Maine, as returned by the superintendent of the last census, was 1,542. We have 685 of this number cared for in our hospital, leaving probably as many more to be provided for in some other way. The enrolment of the population of the hospital represents citizens of every vocation, situation, and condition of life, but there appears to be an excess of those who move in the more humble walks of life, and are subject to the misfortunes of poverty. No citizen, however rich or gifted, has any royal power to bar his entrance into the gateway of the hospital; we find many such representative men here well cared for; but, the statement that public humanity and generosity step in to aid so many who are indigent and unfortunate records one of the proudest acts of our history as a state.

The requirements of the laws of the state call for a monthly thorough examination and inspection of the hospital and its inmates by a committee of the trustees, and a written report thereon is duly made to the full board. This duty has been faithfully performed, and we have found but few, if any occasion for adverse criticism in regard to the management of the hospital."

# APPENDIX No. 127.

## CHAPTER 247.

An Act to provide for the treatment and cure of habitual drunkards.

Section 1.—*Be it enacted by the General Assembly of Maryland*, That any inhabitant of this state who is of kin to or a friend of an habitual drunkard as hereinafter defined, may petition the circuit court of the county of the residence of such drunkard or the circuit court of Baltimore city if said habitual drunkard resides therein, for leave to send such drunkard at the expense of said county or city of Baltimore to such institution for the medical treatment of drunkenness as the said court may designate. Which petition shall set forth the name, age and condition of such habitual drunkard and that such drunkard or those of his kin petitioning are not financially able to incur the expense of his cure, and shall set forth that said drunkard is willing and will agree to attend such institution for the cure of drunkenness; which petition shall be verified by the person making such request, and shall contain in addition thereto the written agreement of such habitual drunkard to take such treatment and obey the rules of the institution administering the same, and the names of three taxpayers in the county of his residence, or of Baltimore city, if he resides therein, stating that they are familiar with the facts set forth in the petition, and that they are familiar with the financial circumstances of such drunkard and of the petitioning kin, and think it a proper case for assistance from the county wherein the said habitual drunkard resides, or Baltimore city if he resides therein.

Section 2.—When such petition is filed, any judge of the circuit courts referred to in section one, shall, if satisfied from examination, that the facts set forth in the petition are true and that the said drunkard has been a resident of the county or of Baltimore city for six months next preceding the application, and that such drunkard of his own free will desires to take such treatment, send such habitual drunkard to some institution for the cure of drunkenness; provided such institution is located in the state of Maryland and that the managers of such institutions will agree to treat such patient for a sum not to exceed $100, but such court shall not be compelled to send such habitual drunkard to any institution making a lower bid than the sum herein specified, unless in their judgment the best interest of such drunkard shall be promoted thereby, and the said judge of the circuit shall thereupon make an order that the expense of such treatment be paid out of the treasury of the county or city of Baltimore, as the case may be, in the same manner that other claims against such county or city of Baltimore for the administration of justice are paid, provided that no county or the city of Baltimore shall be required to send the same habitual drunkard to any institution for the medical treatment of drunkenness a second time at its expense.

Section 3.—No provision of the Act shall be at any time construed as in any way abrogating, limiting or abolishing the powers of judges of circuit courts under section 47, article 16 of the Code of Public General Laws, providing for the committal of inebriates.

Section 4.—The officers of whatever institutions may be designated for the treatment of the habitual drunkards, payment for whose cure is provided by this act, shall become sworn officers of the court committing said habitual drunkards to their care, and shall have power to enforce such reasonable rules as may be necessary for the administration of treatment to the patient provided for and created by this act, but they shall receive no fee or compensation from any county or the city of Baltimore other than the sum provided and limited by section 2 of this act.

Section 5.—A drunkard as mentioned in the foregoing sections of this Act shall be deemed to include any person who has acquired the habit of using spirituous,

malt or fermented liquors, cocoaine or other narcotics to such a degree as to deprive him or her of reasonable self-control.

Section 6.—And be it enacted that this act shall take effect from the date of its passage.

Approved April 3, 1894.

FRANK BROWN, *Governor.*
JOHN WALTER SMITH,
*President of the Senate.*
JAMES H. PRESTON,
*Speaker of the House of Delegates.*

We hereby certify that the aforegoing is a correct copy of an act of the General Assembly of Maryland, passed January session, 1894.

J. ROGER McSHERRY,
*Secretary of the Senate.*
B. L. SMITH,
*Chief Clerk of the House of Delegates.*

# APPENDIX No. 128.

An enquiry into the history of the license law as the same has from time to time existed in the former Province of Upper Canada, afterwards Canada West, and now the Province of Ontario, shows that, apart from any legislation of the Kingdom of France, or decree of the French King or other French authority, the first statute bearing upon the subject was an Imperial Act 14 George III., cap. 88, entitled "An Act to establish a fund towards further defraying the charges of the administration of Justice and support of the civil Government within the Province of Quebec, in America," in and by which, after reciting that certain duties had been imposed by the authority of His Most Christian Majesty, (meaning the King of France), upon wine, rum, brandy, eau de vie de liqueur, imported into the Province of Canada now called the Province of Quebec.....which duties subsisted at the time of the surrender of the said Province to the forces of His (Britannic) Majesty in the late war, and that it was expedient that the said duties should cease and discontinue, and that other duties should be raised.....for making a more adequate provision for defraying the charges of the administration of justice and the support of civil government in the said Province, His Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, did most humbly beseech His Majesty that it might be enacted and it was enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and commons in that present parliament assembled, and by the authority of the same, that from and after the fifth day of April, one thousand seven hundred and seventy-five, all the duties which were imposed upon rum, brandy, eau de vie de liqueur, within the said Province.....should be and were thereby discontinued, and that in lieu, etc., there should from and after said fifth day of April 1775, be raised, levied, collected and paid unto His Majesty, His heirs and successors, the following:—

For every gallon of brandy or other spirits of the manufacture of Great Britain, three pence.

For every gallon of rum or other spirits which should be imported or brought from any of His Majesty's sugar colonies in the West Indies, six pence.

For every gallon of rum or other spirits which should be imported or brought from any other of His Majesty's colonies or dominions in America, nine pence.

For every gallon of foreign brandy or other spirits of foreign manufacture imported or brought from Great Britain, one shilling.

For every gallon of rum or spirits of the produce or manufacture of any of the colonies or plantations in America, not in the possession or under the Dominion of His Majesty, imported from any other place except Great Britain, one shilling. (Then follow duties on molasses and syrup, a discrimination being made between those brought in ships of His Majesty's subjects, and those lawfully brought in other ships.) The rates to be sterling money of Great Britain.

From and after 5th April, 1775, there should be levied and paid to the receiver general of said province for the use of His Majesty, his heirs and successors, a duty of one pound sixteen shillings sterling money of Great Britain, for every license that should be granted by the governor, lieutenant governor, or commander in chief, of the said province, to any person or persons, for keeping a house or any other place of public entertainment or for the retailing of wine, brandy, rum, or any other spirituous liquors within the said province, and any person keeping any such house or place of entertainment or retailing any such liquors without such license, should forfeit and pay the sum of ten pounds for every such offence, upon conviction thereof; one moiety to go to the informer, the other to the receiver general.

An imperial statute passed in 1774 and chaptered 40, says that it has been provided that if any goods chargeable with any of the duties in the act mentioned should be brought into the province (Quebec) by land carriage the same should pass and be carried through "the port Saint Johns near the River Sorel," and, after reciting that "there is reason to apprehend that the regulations and restrictions contained in the said hereinbefore recited clause, so far as they relate to the bringing, rum, brandy, or other spirits into the province of Quebec, by land carriage, may, without further explanation operate to the prejudice and disadvantage of the commerce carried on with the Indians in the upper or interior parts of the said province," enacted that it should and might be lawful to and for all His Majesty's subjects freely to bring, carry or convey by land carriage or inland navigation, into any part of the province of Quebec, not theretofore comprehended within the limits thereof by His Majesty's proclamation of the seventh of October one thousand seven hundred and sixty three, any quantity of rum, brandy, or other spirits, anything contained in the before recited Act of Parliament to the contrary thereof in anywise notwithstanding.

That the provincial authorities did not concur with the imperial in what seems to have been the view of the latter as to the advisability of permitting intoxicants to be furnished to Indians may be judged from the fact that there appears to have been an ordinance of the province of Quebec, 17 George III, Cap. 7, entitled, "An ordinance to prevent the selling of strong liquors to the Indians in the province of Quebec as also to deter persons from buying their arms or clothing and for other purposes relative to the trade and intercourse with the said Indians."

In the 31st George III., cap. 31, Sec. 2, mention is made of His Majesty's royal intention to divide the province of Quebec into two separate provinces to be called the province of Upper Canada and the province of Lower Canada.

The first legislation in upper Canada in regard to spirituous liquors appears to have been contained in Chapter 8 of the statutes passed in the first session of the first parliament. An act as to building gaols, etc., which contained a provision that no license should be granted for retailing any spirituous liquors within any of the said gaols or prisons and imposed a penalty on any gaoler, keeper or officer of any gaol or prison who shall lend, use, or give away, or knowingly permit or suffer any spirituous liquors or strong waters to be sold, used, lent or given away in such gaol or prison or brought into the same, other than except such as should be prescribed.

In the second session of the first parliament, 33 George III., cap. 10 (1793), there was passed an act to establish a fund for paying the salaries of the officers of the legislative council and assembly, and for defraying the contingent expenses thereof, which provided that there should be levied above all other duties by any act of the parliament of Great Britain payable in the province upon wines brought therein, as

follows:—Upon every gallon (wine measure) of wine, the growth or produce of the island of Madeira, which should be legally imported from any part, etc., four pence, and for every gallon (wine measure) of other wines of the growth or produce of any other country so imported, two pence.

In the year of our Lord 1793, during the second session of the first parliament of Upper Canada, there was passed the act 33 George III., cap. 13, in and by which, after reciting in the preamble some of the provisions of the 14 George III., cap. 88, above mentioned, as to duty of £1 16s. for license, and that "it is necessary that the said revenue should be increased for the purpose of paying the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expenses thereof," it was enacted that, in addition to the said sum of £1 16s. sterling as aforesaid, which should still be and continued to be levied, collected and paid as it hitherto had been, etc., there should be raised, etc., to and for the use of his majesty, his heirs, etc., and to and for the use of the province and towards the support of the civil government thereof, the further sum of twenty shillings currency upon every license that should be granted by virtue of that act in manner following, that is to say:—That from and after the fifth day of April, 1794, it should and might be lawful for the governor, lieutenant governor or person administering the government, by or through the secretary of the province or other person empowered to issue licenses for the vending of wines, brandy, rum or other spirituous liquors, to ask for, demand and receive, over and above the sum of one pound sixteen shillings sterling, as aforesaid, the further sum of twenty shillings currency, for every license that should be granted to any person for keeping a house or any other place of public entertainment, or for the retailing of wine, brandy, rum or other spirituous liquors in the province.

In every district throughout the province, one month at least before the 5th day of April in every year, being the day whereon the said sums of £1 16s. sterling and 20s. currency should be due and payable the secretary of the province or other person empowered to issue licenses should give public notice in the Upper Canada *Gazette* or otherwise, to every person selling wine, brandy, rum or other spirituous liquors, as aforesaid, to pay the said sums and to take out a license, and by such public notice to warn every person who should neglect, omit or refuse to take out a license and still continue to retail any wine, brandy, rum or other spirituous liquors in less quantities at any one time than three gallons, of the pains and penalties, etc.

See 45 George III., cap. 1, secs. 1 and 3, as to change of date from 5th April to 5th January.

Every person who should keep a house, etc., for retailing wine, etc., should cause to be written, painted or printed over the door of such house, "licensed to sell wine and other spirituous liquors;" (and a penalty was provided in case any person neglected to obey this enactment).

Provision made for every person taking out a license to enter into a bond in the penal sum of £10 to his Majesty, "well and truly to keep a decent and "orderly house" during the continuance of the license.

The secretary or other person should receive from each person to whom a license granted, over and above the duty, the sum of 2s. 6d. for his trouble in making out and issuing the license, and the clerk of the peace or other person who should draw the bond should receive 2s. 6d. for his trouble.

The additional duty of 20s. should not extend to a person not keeping a house of public entertainment for a longer space of time than two years next after 5th April, 1794, but after the expiration of the said two years no person other than such as should keep a house of public entertainment should be obliged to pay for license more than £1 16s. 0d.

Provision as to how the receiver general should apply the moneys paid, and allowing him to deduct £3 out of every £100.

In the third session of the said first parliament of Upper Canada (1794) there was passed a statute (chapter II), entitled "An Act to lay and collect a duty upon stills," in and by which, after reciting that for the better support of the government it was expedient to increase the revenues, it was enacted that from and after the 5th

April then next, there should be raised, etc., to and for the uses of the province, and towards the support of the civil government thereof, of and from all persons having and using a still or stills, or hereafter to have and use a still or stills for the purpose of distilling spirituous liquors for sale, a sum not exceeding 1s. 3d. of lawful money of the province for every gallon which the body of such still or stills should or might be capable of containing in manner in said Act mentioned. Provision was made for the payment of duties for the seven months between the 5th September and 5th April next ensuing, at the rate of 7½ pence per gallon; that no person should, after 5th November, 1794, make use of a still for distilling spirituous liquors *for sale* until he should have obtained a license, and that in his application for such license the capacity of the still or stills (number of gallons) should be stated, penalties of a fine of £10, forfeiture of still, and incapacity to obtain a license for distilling spirituous liquors *for sale* for three years being provided; that no license should be granted for a still unless capable of containing 10 gallons, wine measure; that a search warrant might be issued to examine still houses; and that it should not be lawful for any person working any licensed still to sell or barter any quantity of such distilled liquor less than three gallons; nor should it be lawful to grant a license for distilling spirituous liquors to a person licensed at the same time to retail spirituous liquors; or to grant to a person licensed to distil, a license to retail. By this statute £3 of every £100 was to be allowed to the receiver general.

In the same session of parliament (1794) there was passed an act (chapter 12) for regulating the manner of licensing public houses and for the more easy convicting of persons selling spirituous liquors without license. After reciting that some of the provisions contained in an ordinance passed in the 28th year of his Majesty's reign, entitled "An Act or Ordinance for the better security of the revenue arising on the retail of wine, brandy rum or spirituous liquors," had been found inconvenient, this act provided that after the 20th March 1795, no license should be granted to any person to keep an inn or public house for the purpose of vending wines, brandy, rum, or other spirituous liquors, unless he should have first obtained a certificate of his being a proper person to keep an inn or public house, from the magistrates of the division wherein he resided or was about to reside, to be granted to him as thereinafter specified; and that all licenses which should thereafter be granted to the contrary should be null and void. The certificate to obtain a license was not to be granted to any person not licensed the year preceding unless such person should produce to the justice at the said meeting, should they require it, a testimonial under the hands of the parson and church or town wardens, or of four reputable and substantial householders and inhabitants of the said division wherein the said inn or public house was intended to be kept, showing such person to be of good fame, sober life and conversation, and that he had taken the oath of allegiance to the King. Provisions were made for the case of death or removal of licensee, and as to licensee entering into a recognizance (see *ante*) which should be transmitted to the clerk of the peace, and might be forfeited for the reason and in the manner by the act provided, and it was declared that after it had been entreated, the offender should be disqualified from selling any wine, brandy, rum, or spirituous liquors, or strong waters for the space of three years, and any license granted to such person during such time should be null and void. The secretary of the province was required yearly, and every year to cause the names of the several persons, who should have taken out a license for keeping an inn or public house, to be published in the Upper Canada *Gazette* on or before the 21st of June, and the clerk of the peace in each and every district was to cause the names of all persons who should have entered into the recognizance to be affixed in two of the most public places in the district for public inspection:

In the fifth session of the first, or first session of the second Parliament, 36 George III., there was passed on 3rd June, 1796, an amending act in and by which it was provided that if any person should keep an inn or public house for the purpose of vending wine, brandy, rum, or other spirituous liquors, unless licensed, £20 should be levied on such person's goods and chattels upon being convicted on the oath of any one creditable witness of his, her, or their, having offended against the

said act, one moiety of said sum to go to the informer, and the other moiety to the Crown.

The Act 37 George III., passed in the first session of the second Parliament (3rd July, 1797), and chapter XI, enacted that from and after the 5th August in that year, and the 5th April in every year ensuing, every shop keeper, or other person whosoever, who should sell or vend any wine, brandy, rum, or other spirituous liquors in less quantity at any one time than three gallons should be possessed of a license for that purpose, whether he or she did or did not keep a house of public entertainment, such license to be granted upon payment of the same fees as the law required to be paid by a person licensed to keep a house of public entertainment. On the 4th July, 1800, in the fourth session of the second Parliament there was passed an act for the summary conviction of persons selling spirituous liquors by retail without a license, and in such Act it was declared that from and after the next 5th April, it should not be lawful for any shop keeper licensed to sell wine, brandy, rum and other spirituous liquors by retail, to sell or vend the same in any less quantity or by any smaller measure than one quart, a penalty of £20 being imposed for infraction of this provision.

In the first session of the third Parliament (1801), there was passed a statute in and by which after reciting that "it is necessary for the comfort of the Moravian Indians inhabiting that certain tract of land on each side of the River Thames, called the township of Oxford, and for the better regulation of the said Indians, that no rum or spirituous liquors shall be sold within that township," it was provided that from and after the passing of that act it should not be lawful for any person or persons whatsoever to sell or barter any rum, brandy, whiskey, or other spirituous liquors or strong waters within the said tract so occupied by the said Indians, and that any person so doing should be liable to the same penalty as if guilty of selling without license.

In 1803 an Act in reference to the collection of the revenue was passed, in and by which it was provided that an inspector might be appointed for each district, who should superintend, collect, and account for the revenue arising from licenses, that to him application for license should be made, and that he should look after illicit sale and manufacture.

In 1805, the date from which licenses should be granted was changed from 5th April to 5th January in each year.

On the 13th March, 1813, and about the time of the last war between Great Britain and the United States, there was passed an act which may be considered as evidencing the limited means of inter-communication and of transport which prevailed then as compared with the present time. After reciting that doubts have arisen as to the sufficiency of the late crops to supply the probable wants of the province, and that it may be expedient and necessary to restrain and prohibit the exportation of grain and provisions, as also the consumption of grain by distillation, it enacts that it shall and may be lawful for the governor and by and with the advice of the executive council to prohibit the exportation, etc., and to prohibit in like manner after the first day of May then next, the distillation of spirits, strong waters and low wines from any wheat, corn or other grain, meal or flour, within the province, and provided as a penalty in case of distillation that the stills and vessels used for distillation should be forfeited, and the owners should forfeit and pay treble the value of the same. This act was continued by the statute 54 George III., cap. 8.

By the Act, chapter 5, 1813, it was declared not lawful for any person or persons whatsoever to sell, barter or give or aid and assist in procuring or distribution any rum, brandy, whisky, or other spirituous liquors or strong waters or low wines to any Indians.

Cap. 7, 1814, provided that in addition to one shilling and three pence per gallon then raised on licenses on stills, there should be a charge of three shillings and nine pence per gallon, The preamble of the Act gave as a reason for the increase the necessity that "the revenue of the province should be increased to meet in some measure the expenditures occasioned by the present war."

By Act 54 George III., cap. 8 (1814), it was provided that the governor may license a person or persons to work stills for making spirituous liquors from rye for the use of His Majesty in this province, and that if such licensee should vend any spirituous liquors so made otherwise than for the use of His Majesty, he should pay the penalty provided in the Act.

By Act 54 George III., cap. 10, it was declared that it was necessary that the revenues of the province should be increased to meet in some measure the expenditure occasioned by the then present war, and that in addition to the duty of £1 16s. sterling, and 20s. currency, there should be levied for the time being the further sum of £5 currency upon every license granted after 5th January, 1814, or that should be granted thereafter, and that if any person who had paid the £1 16s. and the 20s. should prefer to relinquish the keeping of such house of entertainment, or the retailing of spirituous liquors rather than pay the additional duty of £5, the inspector might repay him the 20s. It was provided that the Act should remain in force until the termination of the war with the United States of America, and from thence to the end of the then next ensuing session of parliament.

The Act of 56 George III., cap. 3, refers to the inspectors rendering accounts verified on oath, the payment over by them of moneys, etc.

Chapter 5 of the same year, 1816—an Act to extend the jurisdiction of the court of requests,—provided that nothing in it contained should extend to authorize the holding plea in such court for any debt contracted at a tavern for spirituous liquors or for any gambling debt whatever.

The Act 56 George III., 1816, chapter 10, repealed all of 54 George III., cap. 10, except the preamble and the second section, and enacted that after the 5th January, 1817, every person keeping a house or other place of public entertainment should provide a good and sufficient yard or shed for the accommodation of sleighs or carriages of travellers, such yard or shed to be so enclosed as to prevent any inconvenience to them from hogs, horses or horned cattle that might be running at large about such house or place of public entertainment, and provided in case of neglect or refusal to comply with the law for forfeiture of license, and disqualification to receive one until the yard or shed should be provided.

In 1818 there was passed an Act which appears to have been the first providing for wholesale licenses. It provided that from the 1st June then next ensuing, and from and after 5th January in each ensuing year, threre should be taken out a license by every merchant, shop-keeper, trader or dealer who might sell or vend any wines, brandy or other spirituous liquors by wholesale; that is to say, three gallons and upwards, and who had not taken out a license to sell, vend and retail wines, brandy or other spirituous liquors, for which license there should be paid at the time such license was taken out the sum of five pounds of lawful money of the province.

On the 27th November, 1818, there was passed an Act to alter the laws now in force, etc. By it several enactments were repealed, and the second section provided that the justices of the peace in general quarter sessions assembled should hold an adjourned sitting on the last Monday in December in each year, at which they should have power to limit the number of inns and public houses in their respective districts, and receive applications from persons desirous of taking out licenses for opening inns or public houses, and they were directed to inquire into the life, character and behaviour of the applicant; and, if it should appear proper and necessary, to grant a certificate, and that the party applying "is a sober, honest and diligent person and a good subject of the king," the presiding magistrate should grant him a certificate which should enable him to apply for and take out a license on or before the 5th January then next, and which license the inspector should grant on receiving the duties. The fourth section allowed the magistrate to name the sum to be paid to the inspector, in fixing which there was to be taken into account the situation of the inn, but it should not exceed twelve pounds ten shillings nor be less than the old rate, one pound sixteen shillings sterling, and twenty shillings currency. The sixth section required the magistrate to make rules and

regulations for observance by inn-keepers, a copy of which for the information of travellers should be fixed in some conspicuous place in the licensed house.

Another section required the inspector to pay the moneys to the Receiver General.

Another act of the same session (1818) continued the increase of the license fee to be paid by shop-keepers (see 54 George III., chapter 10, ante), while still another provided that nothing in the act in reference to wholesale licenses should prohibit any person from exposing for sale and vending in the usual manner such liquor as they might obtain from the distillation of grain raised upon their own farms, or to prohibit any person who should have taken out or who might thereafter take out a license for the distillation of spirituous liquors from selling such liquors as he shall have distilled, without taking out the license required by this act.

The Act 59 George III., chapter 6, passed 12th July, 1819, after reciting "whereas laws now in force, imposing a duty on distillation of spirituous liquors, are evaded by a new and improved method of distillation by steam; and whereas it is expedient such distillers should equally contribute to the support of the Government of this province, and that said duty should be increased from and after the 5th January next from 1s. 3d. the gallon, and another 1s. 3d. be collected for each and every gallon which the body of such still is capable of containing," provided for the duty to be collected, and that each and every wooden still used as a boiler or receiver for the beer or wash for the distillation of spirituous liquors for sale should be gauged and duty paid on the whole number of gallons such still is capable of containing.

We now pass from the reign of George III. to that of his son and successor, George IV., and find that the first enactment was one to remove doubts, and provided that a person licensed to keep a house of public entertainment for retailing spirituous liquors might to sell wine, brandy, etc., by retail to be consumed out of his house in the same quantities as he might retail within his house, without additional license.

The Act George IV., chapter 13, prescribed the mode of measurement of contents of wooden stills, and the amount of duty to be paid.

In the year 1823 there appears to have been the first legislation in reference to the selling of beer, ale, cider, and other liquors not spirituous and to regulate the manner of licensing ale houses. The act is the 4 George IV., chapter 15, and is in the form of a prayer to the sovereign. It recites that it is expedient to provide by law for licensing houses for the sale of beer, ale, cider and other liquors, not spirituous, by retail in certain towns in the province, and asks His Majesty that it may be enacted, and proceeds to enact that from and after the first day of May then next, licenses should be taken out to be granted under the hand and seal of two justices of the peace, and prescribes the form of the license, which appears to have been confined to towns and villages, and to have authorized the licensee in the house described by the sign of . . . in said town or village, "to keep a common ale and victualling house, and to utter and sell therein by retail, ale, beer, cider and other liquors not spirituous, also bread and other provisions; provided that no unlawful game or games, or any drunkenness or other disorder, be suffered in said house or in the yard, garden, or premises thereto belonging; but that good order and rule be maintained therein."

The act also required the licensee to give a bond in £10 with two sureties, and fixed the duties on licenses. If in or within one mile of towns or villages containing not less than 20 nor more than 50 dwelling houses, the fee to be ten shillings; if not less than 50 nor more than 100, twenty shillings; and in all containing more than 100 dwelling houses, forty shillings. There were provisions for punishing persons offending against the act, for allowing during the time of a fair, "every person to use common selling of ale, beer or cider or other liquors not spirituous, in booths or other places, in such house or place as aforesaid, without being required to take out a license for so doing," and for leaving it to the magistrate to whom application for license was to be made to determine the number of houses to be licensed, with an appeal to the quarter sessions by any person to whom a license was refused.

The Act 4 George IV., cap. 19, made provision as to wholesale licenses, enacted that a retail dealer could only sell in one shop and that thereafter a description

of the premises or shop should be inserted in the license, and declared that no person should by that act be prevented from selling by wholesale liquors obtained from distillation of grain raised upon their own farms, or a licensed distiller from selling by wholesale in his distillery.

An Act passed in 1827, chapter II., gave power to magistrates in general quarter sessions assembled to grant licenses.

The Act 2 George IV., passed 6th March, 1830, and chaptered 9, recited that 59 George III, chapter 2, had expired and that "it is expedient for the purpose of raising a revenue for the improvement of the roads and bridges within this province, to revive and amend the same," continued the said act with certain exceptions, and provided that the revenue should be subject to the disposition of parliament for the purpose of improving public highways and bridges and should not be applicable to any other purpose.

We now pass to the reign of William IV., and find that in the second year of his reign an Act was passed continuing an additional duty named as £2, over and above the £1. 16s. and the 20s., and providing for a license to sell wine, brandy or other spirituous liquors on board of steamboats or vessels. The revenues under this Act were to be applied to the improvement of public highways and bridges.

The Act 4 William IV., chapter 18, was passed for the purpose of preventing liquors sold in shops from being consumed therein, and provided penalties for the shop keeper allowing such consumption, and the purchaser who, without permission of the shop-keeper or person in charge, should consume.

The Act 4 William IV., chapter 37, prohibited the sale of spirituous or fermented liquors in the Kingston penitentiary, and the bringing of any such liquors into said penitentiary for the use of any convict confined therein, without a special written permit from the physician.

By the fourth chapter of the Act of 5 William IV., it was recited that the Indians residing at the Grand River, Credit, Muncey, and other places in the provinces, had petitioned that the sale, barter, exchange or gift of any spirituous liquors to any Indian, man, woman, or child, should be prohibited, and that it was expedient for the promotion of the peace, comfort, prosperity and happiness, and for the better regulation of the Indians of the province, that the prayer of the petition should be granted, and enacted penalties for sale or gift to any Indians.

The Act 6 William IV., chapter 14, was intended to put in better shape and make more effective the penal clauses applying to persons selling without license. In the fourth clause it is said that the increase of licensed inns and public houses in the city of Toronto and liberties thereof, and other district towns, or any other town, or village, containing twenty dwelling houses within a distance of one mile in this province tends greatly to the increase of vice and immorality, and does not effect the object desired, namely, the accommodation of the public, and it is enacted that after the passing of that Act, within the places above named, the applicant for a license must show that he is or they are possessed of a dwelling house held from year to year, or for a term of years, containing at least three rooms beyond those required for the use of the family; and that he or they have at the time of the application at least three good beds in such house, over and above those required for the use of the family, and are also possessed of a good stable capable of stabling at least two pairs of horses. The license fee in the city of Torone and other places above mentioned was to be not less than £7 10s. Provision was also made that no brewer resident in the city of Toronto, or liberties, or within one mile thereof, or any district town, should sell beer by retail in less quantities than three gallons without first having obtained a license for the purpose, the fee for which was not to exceed £2 10s.

Coming now to the reign of our present gracious Queen, we find that the first enactment on this subject was in the third year of her reign (1840), and made provision for duties to be imposed and collected on wooden stills.

The Act 3 Victoria, chapter 20, passed on 10th February, 1840, repealed certain enactments and made provision as to the time at which justices of the peace in

quarter sessions should receive and grant applications for licenses; that a refusal to grant should not be reconsidered at any session in the same year unless a greater number of justices should be present than were on the bench when the license was refused; that the owner or person in charge of a steamboat or vessel should be entitled to receive from the inspector of the district in which such steamboat or vessel should be laid up during the winter season, a license to vend, etc., without entering into bonds to keep an inn, upon payment of £7 10s. currency; special provision as to Hamilton, owing to certain powers possessed by the corporation thereof as to licensing victualling houses and ordinaries where fruit, victuals, and liquors not distilled, shall be sold; makes provision that licensed persons who shall keep a billiard table shall be subject to the provisions of an act 50 George III., chapter 6; provides for the inspector visiting and inspecting twice a year all licensed houses, distilleries and shops where spirituous liquors are sold; enacts that from and after 1st June, 1840, every person who shall open a house of public entertainment, or a house for sale of ale, beer, cider, or other liquors not spirituous, within this province by retail shall be required to take out a license for so doing, which shall be applied for and granted in the same manner and subject to the same regulations and restrictions as licenses now granted to inn-keepers; provides for inspectors demanding fees from licensed vendors of beer and other liquors not spirituous; that the license fee for such ale-houses, etc., shall not exceed £5, or be less than £1, and that the revenue shall be paid to the Receiver General for the public uses of the province. It is also enacted that no justice of the peace who shall be a brewer, distiller or retailer of spirituous liquors, or in partnership, etc., shall act or be present when licenses are granted, nor shall any justice act in the case of a house of which he is owner. To the Act are appended, as forms or schedules, two certificates: the first, that the applicant has conducted his house to the satisfaction of the public and maintained his character for loyalty and sobriety, with a recommendation that his license be renewed; the other a certificate that the man is of good habits and has accommodation for travellers.

It may not be out of place in passing to notice how continuously the legislation looks to a license only being granted to a person of good habits.

The Act 3 Victoria, chapter 21, gave all moneys obtained from licenses to inn-keepers, and all fines for keeping a house for retailing without license, to the general purposes of the province, and the support of the civil government thereof. Chapter 22 of 3rd Victoria made 6 William IV. perpetual, and provided that £7 10s. should be required upon all licenses to vend wine, brandy and spirituous liquors by retail granted or issued to shopkeepers in this province.

The last legislation on the subject of licenses by the Upper Canada legislature was the above mentioned act, chapter 22 of 3rd Victoria; in fact, that legislature ceased to exist for the union of Upper and Lower Canada having been consummated the duty and power of legislating devolved upon the parliament of united Canada, or, as it should be called, the province of Canada.

The legislation from this date which applied to Canada West (Ontario) will be found in Appendix No. 68, under the head of "Province of Canada," and dates from 1841 to 1867. Where any act named therein applied to Lower Canada only, it is so described.

From 1867 the legislation of the Dominion Parliament which applied to the province of Ontario as well as to the other provinces is set out in the same appendix.

At the date of the confederation of the provinces what was formerly known as Upper Canada, and more recently as Canada West, became the province of Ontario.

In that province a good many acts have been placed upon the statute book. To these it is hardly necessary to refer, further than to call attention to the present law, commonly known as the Crooks act, passed on the 10th February, 1876.

The principal provisions of that act are as follows:—

1. No one shall sell intoxicating liquors without a license.

2. Three commissioners are appointed to each license district, who have the sole and exclusive right to grant or withhold licenses.

3. Inspectors are appointed for each district to enforce the law.

4. The statute fixes fees to be paid for licenses, part of which is to be paid to the municipalities and part to the province.

5. Municipal councils have power to increase the fees, such increase to be for the sole use of the municipalities.

6. In cities, towns and incorporated villages tavern licenses are limited according to population, as follows:—One for each 250 for the first 1,000, and one for each full 400 over 1,000.

7. Municipal councils also have power to limit the number of tavern and shop licenses to be issued.

8. Every applicant for license for premises not previously under license is required to produce a certificate signed by the majority of the electors of the polling subdivision in which the premises sought to be licensed are situate, to the effect that the applicant is a fit and proper person to be licensed, that the premises are suitable and are situate in a place where the carrying on of the business will not be an annoyance to the general public.

9. All licenses are issued as of the first day of May and are valid for one year.

10. Shop licenses are confined to premises in which no other goods are sold.

11. No licenses are granted to vessels or ferries nor to license commissioners or inspectors.

12. Beer and wine licenses are granted for a less fee to persons to sell lager beer, ale, porter and native wines containing not more than fifteen per cent of alcohol, or light foreign wines containing not more than fifteen per cent of alcohol in quantities less than one quart.

13. The holder of a tavern license is required to have certain accommodations for his guests over and above what is sufficient for his family use.

14. Brewers and distillers are required to take out wholesale licenses for selling the liquors manufactured by them, when sold for consumption within the province. Such sales are also confined to the holders of licenses under the act.

15. Chemists and druggists registered under the pharmacy act are permitted to sell liquors for medicinal purposes in quantities of not more than six ounces, such sales to be recorded in a book kept for the purpose. Sales in greater quantities are permitted only on the production of a certificate signed by a registered medical practitioner, and all sales by druggists are prohibited on Saturday nights and Sundays, except upon the order of a justice of the peace or a medical practitioner.

16. Unincorporated societies or clubs and those incorporated under the act respecting benevolent, provident and other societies, together with their members, are prohibited from selling or keeping, or having liquors upon the premises for sale or barter.

17. Sales of liquors in licensed premises are prohibited from the hour of 7 o'clock on Saturday night until 6 o'clock on Monday morning.

18. Holders of licenses are prohibited from taking in pledge for liquors sold any wearing apparel, tools, etc., etc.

19. Commissioners and inspectors are liable to heavy penalties for issuing licenses contrary to the provisions of the Act.

20. A license commissioner or inspector is not eligible for a seat in a municipal council.

21. A licensed tavern-keeper is bound to supply meals to guests, and all except the keepers of saloons are bound to supply lodgings.

22. Sales of liquors to minors under 18 years of age are prohibited, and also to those under the age of 21, after having received a notice not to do so from the father, mother, guardian or master.

23. Keepers of disorderly inns and those who permit gambling therein are subject to certain penalties.

24. Holders of licenses are subject to penalties for harbouring or entertaining constables belonging to any police force.

25. Licenses improperly issued may be revoked by a county judge.

26. Inn-keepers and holders of licenses are liable to the legal representatives of a deceased person if he has come to his death by suicide or drowning, or has perished

from cold or other accident while in a state of intoxication, and having become so intoxicated in the premises of such inn-keeper or holder of license.

27. Habitual drunkards may be prohibited by notices served upon all holders of licenses not to sell or deliver liquors to them or to any one in their behalf.

28. Search for liquor may be made either with or without warrant in all unlicensed places where liquors are suspected of being sold, and if liquors are found they may be confiscated and destroyed.

29. It is the duty of every officer, policeman, constable or inspector, in each municipality, to see that the several provisions of the act are duly observed.

30. Municipal councils may by by-law prohibit wholly the issue of any tavern or shop license within the boundaries of the municipality.

# APPENDIX No. 129.

## BY-LAWS OF THE GOTHENBURG BRANDY COMPANY.

Section 1. The Gothenburg brandy company is organized under the law for limited liability companies of October 6, 1848.

The company's board of directors has its seat in Gothenburg.

Section 2. (*a.*) The object of the company, if they obtain the required sanction, is to undertake, within the town of Gothenburg and its suburbs, the entire public house and retail traffic in brandy, spirits, and other distilled Swedish or foreign spirituous liquors, as well as such liquors of which the above form an ingredient, the licenses for which would otherwise have been disposed of by auction, and to conduct the traffic in question without any view to private profit.

Section 3. The company's capital is fixed at a minimum sum of 100,000 kroner ($26,800) and a maximum of 200,000 kroner ($53,600), to be divided into shares of 500 kroner ($134) each.

Participation in the company takes place by subscribing to a certain number of shares, and an obligation to pay up the whole amount of the shares.

The capital is paid in as it is deemed necessary for carrying on operations, which will be made known by the directors through advertisements in the Gothenburg papers, at least a fortnight before every day of payment.

Separate receipts will be given for the sums paid in.

Section 4. Not until the share has been paid up in full shall the stock certificate be issued, signed by the chairman of the board of directors and two other members of the board, marked with its own number, and issued to each particularly named shareholder.

Section 5. A special register, which shall, on demand, be accessible to every one, whether shareholder or not, shall be kept by the directors, in which shall be recorded:—

(1) The name, position and abode of each shareholder.

(2) The number of the share.

(3) The sums paid in for the shares.

(4) The changes that have taken place in the right of ownership of the shares, of which the directors have received due notice.

Section 6. The shareholder who fails to pay at the time appointed, shall pay 6 per cent annual interest on the sum due until payment is made. If the shareholder fails to pay his assessments with the interest, within three months of the time appointed, the company may, at its option, drop such shareholder from its membership and cancel the share for which payment should have been made.

In said case such amounts as has been previously paid shall fall to the company and the share be declared null and void. If the share thus forfeited is not returned

to the company within two months from the time it was forfeited, the directors shall, by advertisement in the public papers, declare such share to be null and void, after which a new share, in place of the one cancelled, shall be issued to another person.

Section 7. The shareholder who transfers to another person his right to the share, before full payment has been made, continues responsible for the fulfillment of the obligation incurred, unless the company, at its meeting, shall see fit to accept the obligation of the new shareholder for the debt incurred, in which case the former shareholder shall cease to be a member of the company.

Section 8. As far as the company's claims are concerned, the shareholder who has been struck out in accordance with sections 6 and 7 is exempt from further payment; whereas he is bound to observe the obligations laid down in clause 6 of the limited liability company's act of October 6, 1848, regarding the claims of creditors and the repaying of a given obligation.

Section 9. The shareholder is not bound for any payment beyond the number of shares subscribed for, nor is he answerable for the company's debts, further than what he, as above enacted, has paid to the company, or undertaken to pay, unless he has bound himself to still further responsiblity. But if the shareholders, as members of the company's board of directors, or at one of its meetings, have taken part in a resolution, opposed to these statutes or to the liability company's act, as now in force, then those who have agreed to such resolution shall be jointly and severally bound to make conpensation for all losses that may result therefrom.

Section 10. Whoever has by inheritance or marriage become a legal shareholder may, after given notice to the directors, enter into the company. Transfer of the holder's right to share in any other manner cannot be made, except to a certain specified person, when, to be valid, it must be endorsed on the stock certificate itself, and attested by two witnesses; but neither the shareholder, his heir, nor executor, can retire from the company, nor make over his shares to any other person, unless the company has agreed thereto at a general meeting. The person to whom the share has been transferred shall offer it to the company in a written notice addressed to its directors, certifying his acquired right to said share, whereupon the directors, within a fortnight after the offer thus made, shall inform the person who made it whether they intend to make use of their right to redeem the share or not. If it is not redeemed, or if the owner receives no communication on the subject within the time appointed, he can, on condition of his fulfilling all obligations towards the company to which the former owner may possibly be liable, enter into all the rights to which the shareholder is entitled, but in case the company accepts the share, the holder is entitled, on transferring the share to the company, to receive at once the purchase money paid for it, together with the legal interest from the day he paid it, after which the company may dispose of the share thus redeemed to any other person, upon which the latter assumes the same obligations and partakes of the same rights as the former shareholder in accordance with these by-laws.

Section 11. As far as the company is concerned, the share can not be divided; therefore, if several persons hold it conjointly, one alone must exercise and attend to their rights with regard to the company.

Section 12. No property belonging to the company may be seized or pawned for the shareholder's private debts, nor may his supposed share of the company's income be withdrawn; but his share, with the rights appertaining to it, may be seized and pawned for the owner's debts, in which case they may be dealt with like any other pawn.

Section 13. If a share is lost and its holder has given notice and certified to the company that an advertisement for its recovery has been three times inserted in the public papers, the company is entitled, one year after the last time of advertising, to issue a new stock certificate bearing the same number as the lost one, and issued to the same person, who, according to entry in the register, held it when the old one was lost; but all such precautions must be taken as may be necessary to guard against fraud. Stock certificates that have been damaged by accident, or wear and tear, may be exchanged for new ones, which shall be marked with the same number as the old ones.

Section 14. The company's board of directors is to consist of five ordinary members and five substitutes, who divide the work among themselves, three members at least having to be present to give validity to a decision. They are first to be elected at a general meeting, duly advertised in the public papers, and afterwards at the ordinary annual meetings of the company. Persons may be elected as directors and substitutes though they do not hold shares in the company.

Section 15*a*. As the object of the company is solely to promote the general welfare, it follows that the members of the company may not lay any claim to its profits, which, as soon as all expenses of management, as well as six per cent annual interest on the capital invested in it by the shareholders, have been paid, shall be annually made over to the town treasury, to be distributed in such manner as is, or shall be, provided in the current statutes.

Section 16*b*. The board of directors shall appoint as managers, either male or female, for the company's public-house traffic, as well as managers for the retail traffic, such persons as, according to current statutes, possess the requisite qualifications; but said managers shall personally answer for the strict observance of all the regulations which, as regards the public-house and retail traffic in brandy in towns, are, or shall be, laid down in the statutes.

For the rest, all such instructions as the board of directors shall draw up and issue, shall hold good as well for the above mentioned persons as for any of the other officials whom the company may engage in its service.

Section 17. All written documents issued by the directors for the company shall be signed on behalf of the company and bear its signature; otherwise such of the members of the board of directors as have signed the document shall be answerable for the fulfillment of the obligations, which may thereby have been incurred by the company, jointly and severally, as for individual debt.

Section 18. It behooves the directors to keep accurate accounts of all the company's income and expenditure, which accounts shall be made annually, reckoning from October 1. These accounts shall also be balanced by the 1st of the following December, for due auditing.

After said balance has been made, the accounts shall without delay be submitted by the board to two auditors, who, together with two substitutes have been elected at the previous meeting for the year ending October 1; which auditors shall have finished their work and handed in their report thereon to the board before the end of the last mentioned month.

With regard to the special auditing of accounts, which is required in consequence of the company's position with respect to the community and to the other bodies, to whom a part of the tax for spirits sold at the bar is due, such instructions as have been, or may hereafter be issued, shall be observed.

Section 19. The general meeting of the company shall be heldd in Gothenburg every year in March, and the summons thereto shall be issued by the directors and inserted three times in the Gothenburg papers; the first time one month at latest, and the third time a fortnight at latest before the meeting.

Section 20. An extraordinary meeting of the company is to be held whenever the board of directors consider it necessary, or when shareholders who hold at least one-fourth of all the shares issued unite in demanding such meeting by a written notice to the board, in which is distinctly set forth the reason why an extra meeting is desired. Such meeting shall be advertised by the board of directors in the same manner as that provided for a general meeting, but no other matters than those expressly stated in the advertisement may be there decided on.

Section 21. A meeting shall be duly constituted when the shareholders who represent one-fourth of the whole subscribed capital are present. The chairman of the meeting shall be elected by the majority of the shareholders present, and a protocol kept of all that is discussed and decided on at the meeting, which protocol shall be signed by the person keeping it, and its correctness attested by the chairman and two members present at the meeting.

Section 22. Questions discussed at the meetings shall be decided by simple plurality of votes. All voting, except when the election of members of the board of

directors, auditors, or substitutes is concerned, must be open, but may be by ballot if the majority of those present agree upon it.

Section 23. At the company's meeting every shareholder has a vote whether he hold few or many shares. Absent shareholders may vote by proxy.

Section 24. The board of directors shall, at the general meeting of the company, give in a written report of its administration and of the company's condition, as well as the auditors' report after auditing the accounts.

The following questions are then to be decided on :—

(1) Such as are occasioned by the reports of the directors and the auditors.

(2) Whether approval shall be granted the board.

(3) The election of members of the board and substitutes.

(4) The election of auditors and substitutes.

Section. 25. Should a private shareholder desire to submit some special question or proposal for discussion at the company's ordinary meeting,he must hand in a written statement of the same at least one month before the meeting takes place. In no other than the above-mentioned way may such shareholder, in the intervals between the meetings, influence, still less interfere with, the management of the company's affairs, nor may he call the directors to account for its operations in any respect.

Section. 26. At the company's meetings all questions shall be decided by plurality of votes in the manner above enacted. If the votes on both sides be equal, the chairman appointed to preside at the meeting shall have the casting vote.

No resolution may be adopted, as regards any change in these statutes nor as to the question of dissolving the company, unless two-thirds of the votes, which must represent three-fourths of the company's stock, are cast in favour of the measure; and the change in the statutes thus decided on may not go into force until it has received the royal assent.

Section 27. Disputes, which may possibly arise between the members of the company regarding its operations, or between the shareholders and the board of directors, or between the members of the board of directors themselves, as to their mutual rights and obligations, if they cannot be amicably settled, shall not be brought before a court of justice, but are to be referred to the decision of arbitrators. On receiving due notice from the board of directors, each party shall choose two such arbitrators, who conjointly choose a fifth. If the one party fail to choose such arbitrator within eight days of the time that the choice of the opposite party has been duly communicated to it, or if the four arbitrators cannot, by plurality of votes, decide on whom they will appoint as the fifth arbitrator, the governor of Gothenburg and the province of Bohus shall be asked to appoint the wanting arbitrator or arbitrators. The decision, by plurality of votes, arrived at by these arbitrators, after hearing both parties, in case they see fit to plead their cause in person, shall by them be considered irrevocable, and shall be acted upon like any other judicial sentence without the possibility of reversing or objecting to it.

Section 28. The governor of Gothenburg and the province of Bohus shall, through an appointed deputy, watch over the company's administration of affairs and see that its operations tend to carry out the object for which it was created. Should the governor see reason to find fault with said administration, it behooves him to take such measures as appear to him best adapted for the needed reform.

Section 29. In case the company is dissolved, after the accounts have been duly balanced, the company's creditors shall without delay be summoned to the annual meeting; and in the meantime, until all the debts of the company have been paid, no payment of dividends to the shareholders shall take place.

Section 30. These statutes shall, without delay, be submitted to the magistracy of Gothenburg, who, after having agreed to ratify them, are to enter them upon their records and see that the company thus established be duly advertised, at their expense, in the public papers.

# APPENDIX No. 130.

"TEMPERANCE ACT, 1864."

Commonly known as the "Dunkin Act," was passed by the legislature of Canada (prior to Confederation).

Conferred power on municipalities to, at any time, pass a by-law to prohibit the sale of intoxicating liquors and the issue of licenses therefor; said by-law not to have embodied therein any other provision than the declaration "that the sale of intoxicating liquors and the issue of licenses therefor is by such by-law prohibited."

By-law "may" be submitted to the electors, and not to take effect unless approved.

Thirty or more qualified electors of any municipality in Upper Canada, "or if the by-law is for a county, then of each municipality in the county, may at any time by a requisition require that the by-law be submitted (to the electors) for approval; not to take effect unless approved. The poll for a county to be taken in each municipality."

In any municipality where the council "has not passed a by-law under authority and for enforcement of the Act,' thirty electors may propose such by-law and demand a poll to determine whether it shall be adopted. No such poll to be taken in any municipality in which the by-law had not been approved or adopted or in which it had been repealed, before the expiration of two years.

When a poll is held electors to vote "yea" or "nay." A majority of votes required to approve or adopt the by-law. A repealing by-law to be submitted to the electors, and, if not approved, no similar by-law to be submitted within the full term of two years thereafter.

"The municipal council of any two or more neighbouring municipalities wherein any such by-law is in force, may each of them by a further by-law, concur in and confirm, mutually, such by-law or by-laws of the others or other of such municipalities;" such further by-law to be submitted to the electors. No by-law so mutually concurred in, not to be repealed unless with like consent on the part of the municipalities concerned.

While a prohibitory liquor law remains in force in Lower Canada the Collector of Inland Revenue not to issue licenses for the sale of spirituous or fermented liquors, in a quantity of less than three half-pints at one time. "No person shall be liable by reason of his not having therein any license" (for the sale of liquors mentioned) "to the penalty of fifty dollars imposed by the twenty-second section of the act, chapter six of the consolidated statutes of Lower Canada."

In Upper Canada the collector of Inland Revenue not to issue licenses for the retail of "spirituous, fermented or other manufactured liquors."

While by-law in force no intoxicating liquor to be sold on any pretense for any but medicinal or sacramental purposes, or for use in some art, trade or manufacture.

A licensed distiller or brewer having his distillery or brewery within the district, or a merchant or trader having a store or place for sale of goods, permitted to sell in quantity of not less than five gallons or one dozen bottles, at one time, to be removed from the premises; brewers and distillers to sell only such liquor as they may manufacture.

Selling by the intervention of others forbidden, under penalty of $20 to $50 for each offence; agent equally guilty with the principal.

Delivery of liquor in other than private houses, or to residents, deemed evidence of a sale.

A prosecution for penalty may be brought by or in the name of the collector of Inland Revenue, by or in the name of the corporation of a municipality, or by or in

the name of any person, whether authorized by the council or not; where the by-law is a county by-law, the corporation of the county equally with that of the municipality comprised therein, may prosecute or authorize any person to prosecute. The excise officer is bound to prosecute "whenever he shall have reason to believe that an offence has been committed." Every prosecution to be commenced within three months after the alleged offence.

Two or more offences may be included in any complaint, but the maximum penalty not to exceed $100. Amounts of penalties disposed of to various officials and for various purposes, under sections 33 and 34 of the act.

On conviction, in default of sufficient goods to satisfy judgment, defendant to be imprisoned in jail for not less than one nor more than three months.

No by-law void for defect of form. No *certiorari* allowed nor appeal in certain cases.

# APPENDIX No. 131.

TARIFF of prices for spirituous liquors sold at the (Bergen) Society's Bars.

| | Per Glass. | |
|---|---|---|
| | Small. | Large. |
| | Ore. | Ore. |
| Common native spirit (free from fusel oil) | 7 | 10 |
| Refined spirit (spiced) No. 1 | 10 | 15 |
| " (circum-equatorial) | 16 | 24 |
| " (10 years old) | 18 | 27 |
| French brandy | 10 | 15 |
| Refined spirit (spiced) No. 1 (sweet) | 10 | 15 |
| " " No. 2 " | 8 | 12 |
| Cognac brandy No. 1 | 25 | .. |
| " No. 2 | 20 | .. |
| " No. 3 | 18 | 27 |
| Whisky | 18 | 27 |
| Rum No. 1 | 20 | .. |
| " 2 | 14 | 21 |
| Gin (Schiedam) | 20 | .. |
| " | 14 | 21 |
| Liqueur | 16 | 24 |
| Swedish banco (shrub) fine | 16 | 24 |
| " | 14 | 21 |
| Ratafia | 14 | 21 |
| Cognac extract (liqueur) | 18 | 27 |
| Rum extract | 14 | 21 |
| Arrack extract | 14 | 21 |
| Krauter-Magen | 25 | .. |
| Aromatic bitters | 10 | .. |
| " (fine) | 20 | .. |
| Von Oosten's bitters | 20 | .. |
| Angostura bitters | 25 | .. |
| Boonekamp stomachic bitters | 35 | .. |
| Toddy | 25 | 50 |
| " | 20 | 40 |

1 penny—7½ ores.

# APPENDIX No. 132.

STATEMENT of the cost to the Province of Ontario of maintaining jails, houses for the door, asylums for lunatics, etc., for the years 1867 to 1891 inclusive. (Each year separately.)

| Year. | Number of prisoners committed to gaol. | Number of lunatics committed to asylums. | Number of jails and prisons. | Number of asylums for lunatics. | Cost of maintaining gaols paid by the counties. | Cost per head of prisoners committed to gaol. | Number committed for drunkenness | Number committed for offences against license law. | Cost of maintaining lunatics. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | $ cts. | $ cts. | | | $ cts. |
| 1867 | ..... | 273 | ..... | 4 | ..... | ..... | ..... | ..... | ..... |
| 1868 | 5,655 | | 38 | | 122,613 17 | ..... | ..... | ..... | ..... |
| 1869 | | | | | | | | | 142,888 25 |
| 1870 | 6,379 | 162 | 38 | 4 | 100,739 55 | ..... | 1,793 | 24 | |
| 1871 | 6,615 | 309 | 38 | 4 | 102,320 02 | ..... | 2,263 | 25 | 114,744 32 |
| 1872 | 6,958 | 263 | 38 | 4 | 102,903 61 | 15 55 | 2,194 | ..... | 161,454 75 |
| 1873 | 7,877 | 319 | 39 | 4 | 107,231 78 | 15 40 | 2,615 | 22 | 144,219 42 |
| 1874 | 9,488 | 318 | 40 | 4 | 117,609 87 | ..... | 3,197 | 24 | 204,339 66 |
| 1875 | 10,073 | 323 | 41 | 5 | 123,334 13 | 13 63 | 3,370 | 15 | 215,084 71 |
| 1876 | 11,236 | 659 | 41 | 5 | 126,265 48 | 12 53 | 3,663 | 33 | 166,346 35 |
| 1877 | 13,481 | 437 | 41 | 5 | 130,461 80 | 11 61 | 3,868 | 53 | 262,288 57 |
| 1878 | 12,030 | 470 | 43 | 5 | 129,441 60 | 9 60 | 4,032 | 139 | 291,843 75 |
| 1879 | 11,220 | 461 | 46 | 5 | 131,116 60 | 10 90 | 3,785 | 153 | 270,162 95 |
| 1880 | 11,300 | 507 | 48 | 5 | 122,355 08 | 10 90 | 3,581 | 122 | 286,894 37 |
| 1881 | 9,229 | 502 | 48 | 5 | 116,626 44 | 8 97 | 3,795 | 115 | 297,894 72 |
| 1882 | 9,620 | 493 | 49 | 5 | 111,915 15 | 12 13 | 3,328 | 83 | 322,971 62 |
| 1883 | 9,880 | 519 | 49 | 5 | 113,228 75 | 11 77 | 3,497 | 70 | 368,683 07 |
| 1884 | 12,081 | 493 | 49 | 5 | 114,425 66 | 11 66 | 3,895 | 53 | 377,095 10 |
| 1885 | 11,426 | 457 | 49 | 5 | 127,482 27 | 10 55 | 4,650 | 71 | 388,021 30 |
| 1886 | 10,645 | 519 | 49 | 5 | 129,747 86 | 11 34 | 3,696 | 60 | 364,445 96 |
| 1887 | 11,017 | 425 | 50 | 5 | 133,744 26 | 12 56 | 3,555 | 106 | 384,352 03 |
| 1888 | 12,454 | 566 | 54 | 5 | 126,088 56 | 11 41 | 4,130 | 128 | 415,330 19 |
| 1889 | 12,531 | 514 | 56 | 5 | 134,143 49 | 10 77 | 4,451 | 246 | 459,373 39 |
| 1890 | 11,810 | 666 | 56 | 5 | 135,983 93 | 10 88 | 4,777 | 157 | 490,604 74 |
| 1891 | 10,423 | 928 | 56 | 5 | 140,012 49 | 11 85 | 4,573 | 90 | 464,364 12 |
| | | | | | 150,035 34 | 15 90 | 3,614 | 70 | 498,097 70 |

# APPENDIX No. 133.

MEMORANDUM OR PAPER CONCERNING THE EFFORTS WHICH HAVE BEEN MADE IN THE PROVINCE OF ONTARIO TO PROMOTE VOLUNTARY TEMPERANCE AND TOTAL ABSTINENCE BY ORGANIZED SOCIETIES OR OTHERWISE.

In the preparation of a paper upon this subject, it was natural that information should be asked for from the churches and from the officials of societies having for their especial object the promotion of temperance and the suppression of intemperance.

There was in Ontario, among witnesses who gave evidence before this Commission, an almost unanimous expression of opinion that much good had been done and is being done by means of religious and moral efforts, and that to these is owing the great advance that has taken place in temperance sentiment and temperance habit. And, while there was no evidence to show that there had been at any time a lull in the active work of the religious communions on these lines, it was repeatedly asserted to have been the general experience that, in a community which adopted the Canada Temperance Act or any other prohibitory law, the temperance societies as a general thing relaxed their efforts, apparently owing to an idea being entertained that the law would do the work which they had been doing.

The principal religious communions, while wholly agreed as to the great evils of, and caused by, intemperance, are not of one mind as to the means to be adopted for its suppression.

Of the Church of England it may safely be affirmed that she holds that "nothing but the grace of God, and, therefore," so far as her people are concerned, "nothing but the use of the means of grace which God has provided in His church can be of real benefit" to the victim of intemperance. But, all the same, she has made provision for the education and maintenance of her people of all sorts, conditions and ages in the principles and habits of true temperance. She has bands of hope for the children and the great Church of England temperance society for those who are grown up. This society is not based upon a hard and fast line, but has its dual pledge, so that a member may pledge himself to total abstinence, or limit his promise to what is practically abstention from treating.

Presiding at the annual meeting of the diocesan branch of this society in the early part of 1893, the Lord Bishop of Carlisle said that while he was president of that society he would always put his foot down upon strong language. Such expressions as "that hell-broth, beer," and the statement that no man could be near to Jesus Christ who was not a total abstainer, did great injuries to the cause, and the man who spoke in this manner was the worst enemy which the temperance cause could have.

In the diocese of Toronto in 1881 a committee was appointed to organize a temperance society on a basis similar to that of the parent society, and an instruction to the committee appointed to organize it made reference to what is known as the general section, and there was a suggestion referring to the "pernicious custom of treating." At the synod of 1882 the constitution prepared by the committee was presented and approved.

The church of Rome holds that the question is one for the church to deal with, and that in her care for her members is included the preservation of them from the evils of intemperance, and their maintenance in habits of sobriety.

His Grace Archbishop Walsh, of Toronto, says that during his episcopate he has made it a practice of giving to children, whom he has confirmed, the pledge of total abstinence, to be kept until they shall have reached the age of twenty-one years, and that inquiry has proved that on the part of the many thousands to whom this pledge has been administered, there has been a faithful adherence to it.

The late Rev. Father Stafford, of Lindsay, a priest of the church of Rome, was one of the most faithful temperance workers in Ontario. The League of the Cross, and the Catholic Total Abstinence Union are temperance societies in this church.

The Presbyterian church has done much to aid the cause of temperance, and, while there are many of her communion who favour prohibition, yet to her members and adherents she allows the full exercise of private judgment as to the reasonable use or the non use of intoxicants. Her ministers are earnest in exposing the evils of intemperance and battling against them, and have done good service in behalf of temperance.

The Methodist Church as a body has assumed a very strong attitude against the use of intoxicants as a beverage, or in religious ordinances, and has declared in favour of a prohibition law. And even those who may not agree with her position in this respect, or who may think that position to rather interfere with the promotion of voluntary temperance work, will readily admit that her communicants are always among the most active members of total abstinence societies, working faithfully for the reclamation of the drunkard.

The position of the Baptist communion is probably much the same as that of the Methodist. The pastors are generally active temperance workers, and it is probable that the great majority of their people agree with them.

It is not needful to refer to the other religious communions, but it is perhaps well to say that the Salvation Army has been in Ontario the means of rescuing from intemperance and its evils a class of people apparently inaccessible to other bodies.

Leaving the churches and coming to the societies, we find that at Brockville, Upper Canada (now Ontario), in the fall of the year 1828, a few people met to consult with the Rev. Mr. Christmas, a visiting clergyman, as to what could be done on behalf of temperance, and the outcome was the formation of the first temperance society in Canada with a pledge, and that pledge not one of teetotalism.

From that time the work progressed, and open temperance societies were formed here and there. After 1839 the pledge of total abstinence became the rule.

In the year 1847 the organization of the Sons of Temperance was introduced into Canada, and in 1848 it was organized in Canada West (now Ontario.) As this society was the pioneer in co-operative temperance work and is still engaged therein, it deserves an extended notice. The following has been taken from official sources: "This order was instituted in the city of New York, September 29th, 1842, and at once assumed a prominent place among the fraternal and benevolent societies, having as its foundation principle, abstinence from all intoxicating beverages. Its object was, to shield its membership from the evils of intemperance, to afford mutual assistance in case of sickness, and to elevate the character of the membership.'

"It has three distinct branches, viz: The subordinate or local division, which meets weekly and is the life and strength of the order; the grand division, meeting semi-annually or annually, supervises the work in the state or province; the national division, convening annually, and in it is vested the supreme power of the order, and it jurisdiction is North America.

"The purpose of this order is to reclaim the inebriate, rescue the moderate drinker, and save the young from the power of the drink habit. It admits to membership persons of fourteen years of age and upwards, and its quarterly dues and initiatory fees are regulated by the local or subordinate division.

"There is a children's organization connected with the order. Its name is 'Loyal Crusaders."

"The order not only enjoins total abstinence, but it takes all legitimate and honourable means to suppress and prohibit the manufacture of and the traffic in intoxicating beverages, and will never rest satisfied until the annihilation of the drink traffic is secured."

On 21st June, 1848, the banner of the order of the Sons of Temperance was first unfurled in Ontario in Brockville, and upon it was inscribed in golden letters, "Love, Purity and Fidelity." The little band numbered only eighteen, but with God's blessing it grew and spread, and now, after all the varying fortunes and cir-

cumstances of forty-seven years, the order in Ontario has over 10,000 members. The grand division was instituted at Brockville, 12th April, 1849, there than being six divisions, viz., Brockville, Frontenac (at Kingston), North Augusta, Farmersville, Coleman's Corners and Gananoque, all of which were represented. The first G. D. officers were: G. W. P., Wm. Boyle, Kingston; G. W. A., J. L. Macdonald, Gananoque; G. S., W. H. Ellerbeck, Brockville; G. T., C. Leggo, Brockville; G. chap. R. Dick, Brockville; G. con., A. B. Pardee, North Augusta; G. sen., J. P. Sutton, Kingston. At the first annual session, held on 10th October, 1849, twenty-three divisions, with 1,032 members were reported.

Mr. W. H. Bewell, of Whitby, grand scribe of the order, kindly furnished much information in reference to it. The membership for the year ending 31st March, 1850, was 3,605; for that ending 31st March, 1892, 10,010.

Writing under date of 2nd June, 1892, Mr. Bewell says:—

"There are at present 190 divisions of our order in Ontario—183 on 31st March, and 7 instituted since that date. I presume that I am not expected to analyze the figures given or account for fluctuation in membership. I may be permitted, however, to say that when the order began work in the province it had the whole field, and grew rapidly in numbers until 1853. A split took place that year, and from that time the I. O. G. T. divided the field, many falling out of the Sons. Our order then for several years maintained a pretty steady membership, until the outbreak of the American war. Shortly after this the Dunkin Act was passed, and agitated and voted upon extensively. Many foolishly thought that now the victory was won, that the law had intervened to prohibit the traffic, and so laid down their arms. Others, finding that the act did not accomplish all that was sought for, became discouraged and ceased working. Others, again, almost wholly dropped the reformatory, protective and educational work of the order, and devoted themselves to advocating prohibition by law almost wholly. These, among other causes, weakened the order. About 1872 the people seem to have realized that both moral and legal suasion were necessary, and greater attention was again paid to educative work and our order prospered again. In 1876 and 1877 a widespread agitation began for the re-enactment of the Dunkin Act, and again former experience was repeated even more disastrously to our order and kindred others. About this time also other orders and many open societies and open movements, blue ribbon, etc., started operations. Many earnest workers for years dropped membership in the Sons and kindred orders, and entered service in blue ribbon and other societies. These generally were fleeting movements, but those who were leaders or active workers therein rarely returned to the orders whose work had made even the brief existence of these open movements possible. In most cases those who went out of the orders to assist in these movements ceased activity in the work when the excitement of these public meetings had passed. From about 1879 the order for several years had a struggle to hold even a small membership. This was largely owing to the discouragement of some, the indifference of many, large numbers of organizations dividing the field, financial difficulties owing to heavy expenditure, partly in agitations and contests, and in the fact also that there was a growing desire for the enactment of the Scott Act, *i.e.*, legal suasion advocacy held prominence. The order was just getting fairly under way again when the extensive agitation and adoption of the Scott Act took place, and again many workers dropped out under the plea that now the law would do the work, an utter fallacy, no matter how good the law. Many seem to think that if we have prohibition, Scott Act, etc., there is no need for individual reformatory, or educational work, and again the orders suffered heavily. After the Scott Act was repealed the people again began to inquire "What next?" and once more turned to the old order that never failed them, though ofttimes deserted. The grand division about this time elected a vigorous executive who had unlimited confidence in the abilities and possibilities of the old order. Much hard work has been done, and the order has since made and is now making rapid progress. I need scarcely say that the excellence of the educative work of the order is beyond question. Wherever established it does good, and where established the longest its influence for good is greatest. This is marked at all times, but was

particularly noticeable during the repeal votes on the Scott Act. Wherever the Sons of Temperance was established, almost without exception, there the majority were in favour of retaining the Scott Act. In Darlington township, where the "Sons" have been well established for many years, the majority in favour of retaining the Act was overwhelming, even on the repeal vote. At Greenbank, a rural polling subdivision in this county, there is a division of Sons of over 30 years standing, and Greenbank polling subdivision gave a majority of 47 against repealing the Scott Act. I examined the returns from many counties and found that the same thing held good throughout the province, with but rare exceptions, and these chiefly in cities and large towns where a division of our order had not the same influence upon the community as a whole as in rural districts, though it may have as great an influence on as many individuals.

"Sons of Temperance are prohibitionists and seek the annihilation of the traffic by law, yet they believe that it is a great mistake to devote all their energies to the advocacy of legal suasion, to the neglect of moral suasion, and the educative work of our division. Both are necessary, the latter indispensable.

"Of course you will understand that in these lines I speak for myself and not for the order. I simply give my views based upon long experience in the work, but these are not official, though I am of the opinion that these are the views held by the majority of the active workers in our order. We want legal prohibition, nothing less will satisfy, but we do not want the educative work of our order to be neglected in a great struggle therefor. We want prohibition, and we want to keep it when we get it, and this can only be secured by keeping the training process always in active operation."

It will be seen that Mr. Bewell is another witness to the fact that when prohibitory legislation comes in voluntary action begins to flag.

There was in existence for a time, and as early as 1850, a juvenile order called the Cadets of Temperance, which was directly in connection with the Sons of Temperance.

There was also a society called the Rechabites.

The Independent Order of Good Templars was organized in 1853, the first lodge, called Harmony Lodge No. I, having been organized at Merrickville on 25th October, 1853. In June, 1893, there was a membership of 8,616, as against 10,085, the previous year, a decrease of 1,369. The annual report of the grand secretary stated that in 1876 the order numbered 25,270 but had been gradually decreasing in numbers since that time. It had been registered as a fraternal insurance society.

In 1858 the British American order of Good Templars was formed by dissatisfied members of the independent order, and after one or two changes of name was absorbed by the Royal Templars of Temperance about the year 1883. This last named body came into existence in 1878 as a benefit society with total abstinence as a condition of membership, but eventually a non-beneficiary membership was established.

The Women's Christian Temperance Union was established in Ontario in 1874, the first union having been organized at Owen Sound in that year by Mrs. R. J. Boyle. It has become a strong association, and numbers among its members many devoted christian woman who have given and do give of their time and substance for the promotion of temperance. Closely allied with this society is the Young Women's Christian Temperance Union, organized at Hamilton, Ontario, in 1891.

There may be other societies of a local character or not so widely known as those above specified, but each in its own way doing what it can by sympathy and co-operation and precept, and example of its members to save men and women from the awful evils of drunkenness, and to bring them under those influences which make for good.

Even at the risk of reiteration, it does not seem out of place to remark upon the beneficial and ameliorating results which have followed from the work of the religious communions and of societies along the line of voluntary effort on behalf of temperance. Of these results a striking example was afforded in the budget speech of the treasurer of the province of Ontario, delivered on or about 28th February, 1895.

Speaking of the items of revenue for 1894 he is reported by a Toronto daily journal of 1st March, 1895, as follows:—"The second item in importance was the revenue from licenses, though this source of revenue had been gradually declining during recent years, the cause being the decrease in the number of licenses, which was reduced from 3,523 in 1890 to 3,276 in 1893. There had been a great reduction in the number of licenses during the last two decades, the number issued in 1873 having been 6,185, equal to one for every 262 of the population, as against one for every 645 now. After dealing briefly with the division of the licenses among the municipalities, the treasurer referred to the number of commitments for drunkenness, which had fallen from 1 for every 400 in 1884 to 1 for every 900 in 1894."

Of course, it must not be forgotten that in Ontario the license law contains stringent provisions for regulation of the liquor traffic, and that these have had their part in bringing about the results above mentioned; but these regulations would probably not have been in existence had it not been for the educating influences—religious and moral—exercised by the religious communions and the societies.

# APPENDIX No. 134.

MONTREAL, November 1, 1894.

MEMORANDUM of an interview with Mr. C. Constantine, an inspector in the Northwest Mounted Police, who has recently visited the territory in the valley of the Yukon River.

The inspector presented to Sir Joseph Hickson an extract from his report, which refers to the liquor traffic; it is attached. Also a letter from Rev. W. C. Bompas, B.D., bishop of Selkirk to himself; a copy of a letter from the bishop to the Governor of Alaska, and a copy of a letter from the Governor of Alaska to Bishop Bompas.

Q. Were you in the territory of Alaska at all, inspector?—A. Yes; I was at Wrangle, Juneau, and a placed called Daiyah.

Q. Did you take notice if there was any sale of liquor in Alaska?—A. In Juneau liquor is sold openly in nearly all of the hotels, as well as in saloons.

Q. What kind of liquor; had you an opportunity of seeing?—A. No; I did not take notice, but it was whisky. You could get almost any kind of whisky.

Q. It seemed to be ordinary whisky, I suppose?—A. Yes.

Q. There was no secrecy about the traffic?—A. No. There did not seem to be so to me.

Q. Did you notice any attempt to stop the traffic on the part of the authorities?—A. No; I did not see anything that would lead me to suppose that they attempted to stop it.

Q. Do you know of any other place where liquor was sold?—A. Juneau was the only place where I had an opportunity of seeing it.

Q. Is there any liquor sent from Juneau to british territory?—A. I am informed that liquor is shipped from Port Simpson to Juneau by boat, then smuggled up through the inlets and back across the range. A good portion of it is traded to Canadian Indians at Forty Mile Creek.

Q. Did you learn anything about the traffic elsewhere than in Juneau whilst you were in the territory?—A. No; I had not an opportunity of seeing anything.

Q. What is the population of Juneau?—A. 1,500 or 2,000 people.

Q. Are they whites?—A. Yes, and Indians. The Indian village is a short distance—about a mile—from Juneau. Near enough to permit of the Indians getting their liquor from that place.

Q. Is there anything else to mention that you think would be of interest in regard to the liquor traffic?—A. No; but the only way that I can see to get control of the liquor traffic there is to impose a high license and put it (the traffic) under police surveillance.

Q. Do the American officers take any notice of the sale of liquor in Juneau?—A. From what I heard there, they do not interfere.

Q. Do they not attempt to fine vendors for selling liquor contrary to law?—A. They do not bother about it at all. They do not appear to take any notice of it.

Q. How long were you in Juneau?—A. I was there the 27th, 28th and 29th of June last.

Q. Did you notice any sale of liquor in any other places in Alaska?—A. No; I did not make any particular inquiry about it. When returning from the Yukon on an American war vessel I stopped at Onalaska, and was there about two days. I did not see any sale of liquor there, but there was plenty of it to be had in private houses.

C. CONSTANTINE,
*Inspector Mounted Police.*

Witness, FRED. WHITE,
Comptroller. N. W. M. Police.

*Extract from Inspector's Report.*

LIQUOR TRAFFIC.

The liquor traffic in the country is assuming large proportions and will have to be dealt with by a strong hand, and a sufficient force will be necessary to enforce the provisions of the law. The country at present is ruled by a "whiskey ring." At present there are five saloons running, and I hear more will be opened as the miners come in for the winter.

The liquor sold to the whites is of good quality, and retails at 50 cents a drink. It comes in principally from Port Simpson, on the coast, is packed over the "summit" and brought down the river in boats. I hear 3,000 gallons have come in during the year just past.

The Indians make out of molasses, sugar and dried fruit a liquor locally known as "hoo-chin-oo," and is very like the liquor made at the cape, and styled "cape smoke." It is very strong, more like pure alcohol both in appearance and taste.

So far as my information goes, miners would like to see a high license and a stop put to the sale of liquor to Indians. Prohibition would be very hard to enforce, if not almost impossible, owing to the nature of the country, with its facilities for hiding liquor and illicit stills in the many ravines and gulches, which Indians could only find and travel to.

The prohibitory law in Alaska is in reality a dead letter.

In Juneau liquor is sold openly, and no real attempt, so far as I could learn, is made to enforce the law there. Some difficulty might arise in the working of the present liquor law of the North-west Territories, and special legislation might be required to suit the situation. I refer more particularly to the machinery for the granting of licenses, as the inspector or the commissioners would necessarily be men of extreme views either way, and would suggest that should it be determined to grant them, that it be left in the hands of the police, if it is decided to send them in to that country.

Many of the miners do not drink at all, and but few to excess, and those who do would wherever they are. When they come in from the mines for the winter they have a general carouse, but this is not confined to that section of the country alone. After this has been gone through the camp settles down for a time, and is then quiet for a mining camp in winter.

(Copy.)

BUXTON MISSION, 18th August, 1894.

MY DEAR SIR,—I think you may like to see my correspondence with Governor Knapp which may be the cause of his sending the revenue officer that we hear is expected, but I do not think my last letter could have been received in time for this.

If the United States officer proceeds to the mines he may doubtless do good there, for I suppose many hundred gallons of whiskey have already been forwarded thither, and some disturbance was feared in consequence.

Last winter I believe that liquor was sold to Indians up Forty Mile Creek on the American side of the border, and I fear such would be the case again immediately on the enforcement of Canadian law, unless there were some authority on the American side also. Possibly on the arrival of the American officer you may be able to arrange this with him in private consultation.

Of course, I do not wish myself to move further in the matter after your arrival, but to leave all in your hands.

I hope you will also be able to see Governor Knapp, whom, you will gather from his letter, to be courteous and civil.

I am, dear sir,

Yours faithfully,

W. B. BOMPAS, D.D.

C. CONSTANTINE, Esq.

BUXTON MISSION,
UPPER YUKON RIVER, 1894.

HONOURABLE SIR,—I thank you for the courteous reply which I received last summer to the communication which I ventured to address you in January, 1893.

The mines in this neighbourhood continue to be worked as before with varying success. From some points a large amount of gold has been taken out, but these spots seem to be scattered and uncertain. The working season is so short in summer (about three months) that it requires a large yield to make it worth the while to spend the rest of the year in idleness, and amid the rigours of our severe climate. Fresh mines are opening lower down the Yukon River, and it is impossible to say as yet where will be the chief attraction.

But the subject which induced me to trouble your honour with another letter is not the yield of gold, in which I take but small interest. I wish rather to bring before you the alarming extent to which the liquor traffic is increasing among us.

Many thousand gallons of whisky have been imported and a large quantity manufactured in the country. It is said that last winter nearly every house was a still, and the liquor is sold freely to the Indians, though little better than poison for them. Several miners are going outside with the object of bringing in a large cargo of liquor next summer. Most of it appears to be brought across the mountains from Juneau. You will suppose that the facts I mention refer to British territory, and such is indeed the case; but I am told that the liquor is now begun to be carried up for sale from hence to the mines on the American side of the border.

We have applied to the Canadian government for police to restrain the liquor traffic and manufacture on the British side, and we trust these will be sent, but you will easily gather that their efforts will be liable to be defeated unless there is law on the American side of the border. My object in writing now is therefore respectfully to suggest to your honour the desirability of appointing a deputy marshal for this district, to act on the American side of the border, in concert with the British authorities that may be sent in on this side, with the object of checking the ruinous liquor traffic on both sides of the border, at least so far as the Indians are concerned.

Believe me to be, honourable sir,

Your obedient servant,

W. C. BOMPAS, D.D.,
*Bishop of Selkirk.*

His Honour the Governor of Alaska, Sitka, Alaska.

[Copy.]

SITKA, ALASKA, 29th March, 1893.

DEAR SIR,—Your letter of 20th January arrived here 25th March. It afforded me much gratification to learn of the winter situation of the miners on 40-Mile Creek, and especially the tribute you offer to the peaceable character of those whom we are accustomed to think of as somewhat rough. I am glad to receive so vivid a picture of the general situation. Our knowledge of the interior is very limited. I am not sure anything can be done in the direction of your suggestions without legislation, but I am sure they are good suggestions, and possibly some action can be taken by the national authorities. The new administration may be slow in getting through the usual preliminaries to business in the way of changing officers on the overturning of party control. But I trust this matter will not be lost sight of. I believe no United States vessel has been sent by the government as far east in the Arctic as Herschel Island since 1889, when the "Thetis" visited that region, and I think it is not always an easy or safe undertaking for ships to come out of the Arctic ocean around Port Barrow after September, and our government vessels cannot be allowed to winter up there. I will call the attention of the revenue department to the alleged abuse of privileges by some of the whaling cruisers, and perhaps a closer inspection of the ships' cargoes and supplies may be made before they are allowed to clear.

Permit me to express my hearty sympathy with you in your noble and self-sacrificing work, and my sincere hope that you may be privileged to see abundant fruits of your labour in the elevation of the degraded people among whom you are labouring to a higher civilization and a pure christian faith.

Yours, very sincerely,

LYMAN E. KNAPP,
*Governor of Alaska.*

Rt. Rev. W. C. BOMPAS,
Missionary to the Indians and English Bishop of Selkirk.

# APPENDIX No. 135.

*Extracts from the Reports of the Governors of Alaska*, 1891–2–3.

Extract from the report of His Excellency, Governor Lyman E. Knapp, dated 1st October, 1891:

"Of the criminal business a large proportion was either directly connected with the sale and importation of intoxicating liquor or grew out of its use, directly or indirectly. The unfortunate conditions of non-enforcement of the laws on these subjects reported last year are still continued, and the results of efforts to enforce them are no less unfortunate. In order to bring the information in its details before the executive and legislative departments of the government I addressed a letter of inquiry to the United States district attorney asking a report of matters connected with the business of his office during the year ending 30th June, 1891, especially, among other enquiries asking what steps had been taken to enforce the law against the sale of intoxicating liquors within the territory and what is the present status of things in relation to its violation within the district."

The following are extracts from the district attorney's reply to Governor Knapp's letter, which letter was appended to his report:—

"The violations of the liquor laws have been a source of more anxiety and labour to all the officials in Alaska, than any, I may safely say than all, other violations of law combined. I find public sentiment almost a unit against the present prohibi-

tory laws, and against the enforcement of the same * * * There now are, and for many years have been, within the territory two or three breweries manufacturing and selling beer for other purposes than those prescribed by the statutes. There are also many persons openly engaged in selling intoxicating liquors contrary to law. These facts I have laid before each grand jury, advising them that it was their sworn duty to indict all such persons. Yet in every instance they not only have refused to indict, but have refused to hear any testimoney upon the subject whatever. Some of these grand juries have been composed of the best representative citizens of the territory, yet the sentiment is so universally against the enforcement of the present liquor laws that no indictment can be had and no conviction secured except where the liquor has been sold or given to a native. In the latter cases the sentiment of all the better classes of citizens is in favour of a rigid enforcement of the law. The consequent result is that comparatively little intoxicating liquor finds its way to the natives."

Extract from the report of Governor Knapp, dated 1st October, 1892:—

"While the general condition of the territory has been peaceful and quiet, there have been several outbreaks of crime and lawlessness and resultant consequences so serious that special reference to them seems to be required. Like most of the crimes and misdmeanours of the foregoing record, they were directly connected with the sale and use of intoxicating liquors. On the 11th day of January, Charles H. Edwards, a government school teacher, located at Hamilton Bay, on Keprianoff Island, with a number of Indians over whom he had acquired influence in his work there, boarded a sloop lying in the bay, seized and destroyed a small quantity of liquor which they found on board. Mr. Edwards was detained in a struggle with the captain after the Indians left and was finally shot, death resulting in a few days. Two of the natives also failed to reach the shore. The testimony taken in the case tended to prove that they too were shot in the water while swimming to the shore. The details of the case, with the evidence, have been forwarded to the attorney general in a special report and need not be repeated here. Mr. Edwards was a worthy, candid, and earnest christian worker, having the entire confidence of all good men, and without question one of the most efficient and successful teachers in Alaska. He had abundant reason for believing that the vessel was there to sell intoxicating liquor to the natives with whom he was labouring, and, though betrayed by his zeal into action not warranted in law, his motive was a high one, and only his nobleness of character, his devotion to his work, the efficiency of his service, and the sacrifice of his life in the cause of morality and civilization, should be remembered. But the record cannot end with the death of Mr. Edwards and the two natives. A most dastardly act of lawlessness in the tarring and feathering of Dr. J. E. Connett, at Douglas, by masked men, was a direct sequel to the original shooting. The doctor had been active in searching for testimony against the man who shot Mr. Edwards and somewhat severe in his characterization of the offence in a newspaper communication, and he fell a victim to the hatred of interested parties not yet identified. The better people of the territory condemn the outrage and demand the use of all legitimate means to discover and punish the perpetrators of it. Another tragical result of the shooting is feared. The natives who perished in the water belonged, respectively, to the Hydah tribe and the Hennegah clan of the Thlinkets, and their friends now threaten the killing of two white men, in accordance with their customs. There are very few white men in these neighbourhoods and those are in no way responsible for the death of the Indians, whoever else may be to blame. But personal responsibility is not considered by them, and the murder, or execution, as they think of it, of some worthy and peaceable citizen is not an impossible or improbable occurrence in the near future. Prompt punishment of the homicide would have had a tendency to prevent further action on their part, through the convincing influence of a conviction that the white man's law is just and that the punishment of offenders under that law is prompt and certain. Whether justice has had free course in this matter is not for me to decide. An investigation has been made by the Department of Justice, Capt. Allan H. Dougall, examiner, and his report must be more complete and his conclusions more satisfactory than

anything I can offer upon that subject. A drunken row with the most serious results occured at Chilkat on the 4th day of July last. Intoxicating liquor has been sold freely for a long time. Three canneries have been in operation during the summer for a number of years. There are also three or four stores for the sale of general merchandise, several saloons, quite a number of white and Chinese residents, and a large number of Indians residing in their seven villages during the winters, but congregating at times about the canneries. These Indians have always been considered dangerous, and drunken brawls have before resulted fatally to some of the Indians themselves. Generally these accidents have been kept out of sight and the evidence suppressed and the difficulties settled according to Indian custom. Enough transpired however to suggest the necessity from prompt and vigorous action. As stated in my last annual report, I organized a force of Indian police, and under the efficient management of Deputy Marshal Healy they did excellent service in destroying "hoochinoo" and the native manufacture, and were full of zeal to reform the whole neighbourhood of all drunkenness. To this end they made complaint of the sale of liquors disguised under the name of lemon extract, in which complaint white men joined. I communicated the facts to the district attorney. After some months the complaints were renewed, and I requested the district attorney to accompany me to that place and make an investigation. We went there on the U.S.S. "Pinta," as stated in my last annal report, in July, 1891, and while I was having a conference with the natives about their troubles with canneries, the district attorney was supposed to be investigating the charges of selling lemon extract to Indians. I supposed that action was to be taken to stop the nefarious business at once. But nothing grew out of it, and the complaints were repeated. Finally, in October I learned that a large stock of lemon extract had been landed at Chilkat, presumably for the winter's trade, and I again called the attention of the district attorney to the complaints and the fact of the landing of the liquor. As no action followed this urging, on the 13th day of February, 1892, I addressed a letter to the attorney general, calling attention to the necessity for some action toward suppressing the liquor nuisance in Alaska, not referring especially to the Chilkat troubles, but having them in mind. In due time the district attorney informed me that the attorney general had sent him a copy of my letter and instructed him to proceed with prosecution at once, and he then said that he should do so. Meanwhile Deputy Marshal Healy, was away, the Indian policemen without a head were of no account, and saloons multiplied until pandemonium ensued, and the culmination was reached on the 4th of July last, when, in a drunken row, one Indian was killed, one white man and one Indian severely wounded, and another white man was shot down in cold blood the next day as a resulting sequence. The circumstances of the affray need not be recounted here. The killing of Marx on the 5th of July seems to have grown out of the drunken riot of the night before, and through the influence of the Indian custom of requiring blood for blood. The wife of the Indian who had been killed went to a friend, probably a member of her husband's clan, and appealed to him to avenge his death, an appeal which in the olden times was never disregarded. She recited the catalogue of her wrongs and closed by saying:—'Tom, you are a great warrior. You are my friend and the friend of my husband. You claim to be a brave man. The white men have come here and taken away our fishing grounds, driven away our game, treated us with contempt and have now killed my husband. Avenge his death and take away our shame.' Tom took his gun and shot the first white man he met, Frank Marx, who was not engaged in the drunken row at all and was in no way responsible for what had happened. Prompt action was taken by Deputy Marshal John Dalton, and Commissioner Hoyt of Juneau held inquests on the bodies of the deceased men and made arrests as follows, viz.:—John Wade, white, for manslaughter of the Indian, who was held for trial in the sum of $1,000; Tom, an Indian, for murder of Frank Marx, who was committed to jail to await trial; Nualth, an Indian, for assault with intent to kill, who was committed to jail; Kowtsh-igh, an Indian, for assault, warrant issued; Sitka Jack, an Indian, for assault, warrant issued and arrest made some time later; Yalth-ta, an Indian, for disturbing the public peace, tried, found guilty and fined $30, in default of payment committed;

Martin Oleson, white, for selling intoxicating liquor, held for trial in $400; M. V. Sharp, white, for selling liquor, held for trial in $400; Lyme Stearne, white, for selling liquor, held for trial in $400; Joe Tuguerie, white, for selling liquor, held for trial in $400; Silas Gibson, white, for selling liquor, held for trial in $400. The expense incurred thus far in connection with the unfortunate affair has been very large, perhaps amounting to $600, and only one out of the eleven cases has yet been tried, and that was for a minor offence coming within the jurisdiction of the commissioner. I forbear making comments upon this affair. Captain Dougall, who was here as examiner from the Department of Justice, gave the subject careful investigation, and it may be assumed that he has reported the results of his inquiry to the attorney-general and perhaps given his opinion of the causes of the trouble. In December, 1888, two homicides occurred at Hoonah, which were reported to the acting governor, Hon. Henry E. Haydon. On account of the difficulty of communication and transportation, or for some other reason, no action was taken at the time, and a change of administration occurring soon after, the matter was lost sight of. Last November Rev. J. W. McFarland, missionary to Hoonah, represented the case to me as one causing much injury, because the failure of punishment gave encouragement to the Indians to continue their old customs and sometimes in acts of lawlessness. The trouble was reported as beginning with drunken insults and attempted outrage upon a woman, and the first part closed with the killing of one man by another. A friend of the murdered man named Goolzue demanded the life of the murderer. The missionary explained the wrongfulness and illegality of taking the law in his own hands to Goolzue, but the latter only laughed and said he should do it. The first murder occurred at 9 a.m., and at 1 p.m., in sight of the whole town, Goolzue deliberately shot the other man and has since been at large. Mr. McFarland's letter giving an account of the murder was dated 23rd October, 1891. 7th December Mr. McFarland again referred to the matter and added :—'I feel the Goolzue affair should not go unnoticed. Our people need a lesson. They are pretty bold." I referred the matter to the district attorney and expressed my opinion that it should be investigated, which he promised to do, at the same time expressing doubts about a crime having been committed. In August, 1892, I again called the attorney's attention to the matter and he went to the scene of the crime with a deputy marshal to arrest the man Goolzue, who, however was not there. The witnesses, too, were absent, and in fact very few of the people were seen. They were supposed to be scattered among the neighbouring bays in search of game and fish. The pursuit was then abandoned for the summer. The attorney now informs me that he has grave doubts whether these circumstances constitute an offence against the law, and seems inclined to take the responsibility of letting the matter rest. By the last mail from Kadiak in 1891, I received a letter from Rev. Nicholas Metropolsky, priest and missionary of the Græco-Russian church, who is located at Kenai, some 200 miles or more from any mail station, complaining of outrages upon the native members of his church by temporary residents employed in the cannery located at that place belonging to the Northern Packing Company. The complaint alleges drunken brawls, breaches of the peace by threatening and reckless shooting, intimidating the men and outraging the women, and in one case the beating of a native so that in three weeks he died. There being no way of communicating with or reaching the place where the outrages occurred, I could take no action other than to report the case, as I did on the 13th day of November, 1891, by sending a copy of the letter to the Secretary of the Interior. On the 19th day of February, 1892, I made application for transportation to Kenai in the early spring, so that an investigation of these outrages might be made. I have heard nothing further of the affair, and so far as I am informed no investigation has been made, and the appeal of these people through their priest for protection has met no response."

"Section 14 of the organic act required the president to make regulations for the sale, manufacture and importation of intoxicating liquors for the purposes allowed by law. For that purpose were issued treasury circulars No. 30, division of customs, approved by President Arthur, 26th February, 1885, treasury circular of 4th May, 1887, approved by President Cleveland; and treasury circular No. 34, 1892, division

of special agents, approved by President Harrison, 11th March, 1892. Under the regulations as existing prior to 11th March, 1892, five licenses to sell intoxicating liquors in the territory, for the purposes allowed by law, had been issued by me, three of which were in force at the date of my last annual report, and this fact so appeared. Those three licenses expired by limitation in December, after which I issued none until treasury circular No. 34, for 1892, appeared. Since that time three licenses have been issued under the revised regulations, one each, respectively, at Sitka, Douglas and Juneau, all of which are still in force. My action in granting licenses to sell intoxicating liquors for medicinal, mechanical and scientific purposes, under executive regulations requiring me to do so, has been so persistently misconstrued and misunderstood that it seems proper to refer to the matter here. A learned senator, who is, perhaps, as well informed on matters connected with the territory as any one not residing here, speaking from his place in the senate, characterized my action as an unlawful act—an attempt to foist upon the territory a system of license not authorized by law. He proceeded to draw his inferences as to my opinion of the expediency of a general license system for Alaska and to use it as an argument in favour of such system as embodied in senate bill 1076, now pending in that body. For any person informed as to the law and regulations of the president for its enforcement, I need not say anything. For the benefit of those not so informed, permit me to say, my action in granting licenses to sell intoxicating liquor for the uses allowed by law, issued under the law and regulations and for the purpose of complying with them, is no indication whatever of my opinion upon the rightfulness and expediency of a general license system for Alaska. I do not hesitate to say that while I am by education and natural habit of thought a prohibitionist in theory, I can easily think of conditions which would induce me to favour a system of license for the regulation of the liquor traffic in localities where these conditions exist. But these conditions do not exist in Alaska. A large proportion of the people are native or of mixed blood, and mere children in many things, especially dangerous under the influence of intoxicating liquor, and certainly needing the protection which prohibition is designed to afford. The distinction between whites and Indians, as in senate bill 1076, if such class legislation is allowable in a territory where the absence of the tribal relation gives the Indian the rights and responsibilities of citizenship, does not take away the objection that liquor sold to whites in many cases finds its way to the Indian rancherie. For these, and for other reasons not necessary now to name, I do not think a system of license, however high, would inure to the benefit of Alaska and its people. These licenses must not be confounded with the certificates given by the revenue officers in the collection of the internal revenue special tax, which are not licenses to sell at all. Special tax-payers during the fourteen months ending 30th June, 1891, in Alaska, may be summarized as follows:—

| | |
|---|---|
| "Retail liquor dealers | 46 |
| "Manufacturers of cigars | 3 |
| "Dealers in leaf tobacco | 2 |
| "Dealers in manufactured tobacco | 92 |
| "Brewers | 4 |
| "Retail dealers of malt liquors | 2 |
| | 149 |

"The internal revenue collected in Alaska for this period amounted to the sum of $2,917.33. While these certificates are not considered licenses, the effect of taking the special revenue tax for the sale of liquor while the law is prohibitory is exceedingly unfortunate, as implying an expectation that the payer will make sales. From

1st July, 1891, to 30th June, 1892, 102 permits to land liquor within the territory have been issued by the collector of customs, as follows:—

| | |
|---|---|
| "To church representatives for sacramental purposes | 3 |
| "To physicians | 4 |
| "To druggists | 4 |
| "To U. S. navy | 5 |
| "To persons for mechanical purposes | 2 |
| "To persons for scientific purposes | 4 |
| "To persons holding licenses to sell, issued by governor | 11 |
| "To individuals in Sitka | 24 |
| "To individuals in Juneau | 35 |
| "To individuals in Wrangel | 6 |
| "To individuals in Loring | 4 |
| | 102 |

"During the year ending 30th June, 1892, the collector of customs made twenty-five seizures of liquor unlawfully landed, and shipped the same to Portland for sale under the directions of the department. The expenses were so great that only a limited net sum was realized from it."

The following is an extract from a letter addressed to the governor of Alaska, by the United States attorney at Sitka, dated 8th September, 1892, and appended to the governor's report as appendix F.

"It affords me pleasure to say the sentiment against the sale of intoxicants to Indians is decidedly growing. As to the importation, manufacture and sale of liquors generally, there is little improvement in public sentiment. All efforts, and there have been many, to enforce the law have been defeated where the intervention of a jury was necessary."

In the report of His Excellency, the Honourable James Sheakly, governor of Alaska, addressed to the Secretary of the Interior, on 1st October, 1893, he says:—"The law prohibiting the importation, manufacture, or sale of intoxicating liquors in Alaska is (in its present construction) a source of irritation and discontent amongst all classes of people in the territory. It gives rise to a large traffic in smuggled liquors, mostly from British Columbia, which our custom officers cannot prevent and have not the means to suppress. Either the law should be changed or the revenue officers provided with the means to enforce its provisions. Under the regulations made by the President and promulgated in treasury circular No. 34, dated 12th March, 1892, the governor of the territory may grant permits to sell intoxicating liquors for medicinal, mechanical and scientific purposes. He may also revoke these permits for any violations of the regulations under which they were granted."

# APPENDIX No. 136.

COMPARATIVE statement showing ratio per 1,000 of population of arrests for all offences, and arrests for drunkenness in the undermentioned cities and towns in the United States and Canada for four years ending 1893.

| City. | Population. | 1890. | | 1891. | | 1892. | | 1893. | |
|---|---|---|---|---|---|---|---|---|---|
| | | Ratio per 1,000. | | Ratio per 1,000. | | Ratio per 1,000. | | Ratio per 1,000. | |
| | | All offences. | Drunkenness. | All offences. | Drunkenness. | All offences. | Drunkenness. | All offences. | Drunkenness. |
| *a*State of Maine | | | | | | | | | |
| Portland | 37,000 | 52·76 | 33·24 | 40·84 | 24·96 | 35·43 | 23·58 | 56·42 | 39·14 |
| Lewiston | 22,000 | ..... | ..... | 19·04 | 14·18 | 18·03 | 11·89 | ..... | ..... |
| Bangor | 20,000 | 85·06 | 49·46 | 86·72 | 53·59 | 74·17 | 48·50 | ..... | ..... |
| Biddeford | 15,000 | 20·78 | 15·16 | 30·57 | 17·08 | 35·32 | 22·74 | ..... | ..... |
| Auburn | 12,000 | 14·13 | 8·71 | 15·23 | 9·69 | 15·31 | 10·96 | 16·69 | 12·17 |
| Augusta | 11,000 | 53·86 | 34·57 | 27·96 | 18·02 | 20·81 | 10·27 | 27·18 | 14·36 |
| Bath | 9,000 | 38·51 | 28·20 | 44·51 | 22·48 | 31·84 | 21·60 | ..... | ..... |
| Rockland | 8,000 | 36·09 | 27·03 | 35·90 | 23·51 | 46·50 | 35·35 | ..... | ..... |
| Waterville | 8,000 | ..... | ..... | 18·23 | ..... | 10·66 | 6·98 | 18·37 | 12·76 |
| Westbrooke | 7,000 | 7·68 | 2·86 | 5·61 | 0·86 | 2·55 | 0·80 | ..... | ..... |
| Saco | 6,000 | 20·57 | 12·51 | 16·16 | 6·66 | 19·57 | 9·62 | ..... | ..... |
| Gardiner | 6,000 | 91·96 | 71·02 | 76·74 | 58·50 | 58·11 | 46·07 | 45·33 | 35·66 |
| Hallowell | 3,000 | 17·91 | 9·43 | 23·54 | 12·24 | 19·74 | 7·52 | 16·25 | 10·31 |
| *a*State of Vermont | | | | | | | | | |
| Bennington | 6,500 | 14·24 | 6·10 | 39·90 | 14·65 | 62·78 | 22·47 | 43·54 | 10·92 |
| *Brattleboro | 6,862 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Burlington | 15,815 | 19·05 | 10·28 | 28·19 | 11·27 | 29·96 | 11·40 | 32·43 | 10·37 |
| Rutland | 11,505 | 16·58 | 4·42 | 17·47 | 5·82 | 24·23 | 7·33 | 22·51 | 6·43 |
| *a*S. of New Hampshire | | | | | | | | | |
| Portsmouth | 9,950 | 71·13 | 51·59 | 75·37 | 59·45 | 67·83 | 48·84 | ..... | ..... |
| Rochester | 8,200 | 9·46 | 3·65 | 15·30 | 5·10 | 17·70 | 11·21 | 25·48 | 17·56 |
| Manchester | 50,400 | 43·19 | 27·87 | 41·28 | 25·75 | 46·90 | 31·61 | 42·85 | 29·76 |
| Keene | 7,665 | 17·31 | 14·77 | 21·85 | 16·29 | 33·13 | 29·35 | ..... | ..... |
| Concord | 18,080 | 33·69 | 19·05 | 39·48 | 22·85 | 38·66 | 22·06 | ..... | ..... |
| Nashua | 21,300 | 61·57 | 30·64 | 61·58 | 37·22 | 78·69 | 40·02 | ..... | ..... |
| *a*State of Michigan | | | | | | | | | |
| Grand Rapids | 71,300 | 30·77 | 12·02 | 27·37 | 9·45 | 28·07 | 10·08 | 25·84 | 9·98 |
| Saginaw | 51,800 | 56·64 | 22·94 | 46·42 | 22·76 | 41·73 | 15·07 | ..... | ..... |
| Bay City | 31,000 | 43·60 | 21·59 | 41·19 | 20·56 | 39·07 | 18·42 | 36·77 | 19·90 |
| Detroit | 224,000 | 42·22 | 17·22 | 40·58 | 13·11 | 34·69 | 10·81 | ..... | ..... |
| *a*State of Kansas | | | | | | | | | |
| Atchison | 13,370 | 73·33 | ..... | 64·34 | ..... | 63·22 | ..... | 79·95 | 23·78 |
| Fort Scott | 12,000 | 51·90 | 16·90 | 45·00 | 9·75 | 36·25 | 8·00 | 44·50 | 7·66 |
| Leavenworth | 20,900 | 34·15 | 17·85 | 33·96 | 13·10 | 26·02 | 8·28 | 28·75 | 12·44 |
| Wichita | 30,500 | ..... | ..... | ..... | ..... | ..... | ..... | 66·55 | 19·24 |
| Topeka | 36,450 | 54·11 | 12·61 | 49·90 | 10·70 | 45·71 | 9·62 | 34·92 | 7·68 |
| Kansas City | 45,000 | 62·63 | 12·13 | 62·89 | 10·43 | 58·04 | 12·02 | 46·46 | 9·28 |
| *c*State of Nebraska | | | | | | | | | |
| Beatrice | 19,300 | 5·78 | 2·68 | 3·39 | 3·08 | 6·88 | 2·58 | 2·59 | 2·07 |
| Omaha | 173,000 | 57·76 | 15·91 | 48·21 | 10·98 | 40·16 | 10·38 | 36·10 | 9·16 |
| *b*State of Minnesota | | | | | | | | | |
| St. Paul | 148,500 | 39·63 | 15·66 | 38·71 | 14·38 | 33·80 | 11·87 | 41·27 | 12·05 |
| Minneapolis | 200,000 | 31·66 | 13·19 | 28·85 | 10·98 | 31·40 | 12·92 | 31·88 | 12·51 |

COMPARATIVE statement showing ratio per 1,000 of population of arrests for all offences, &c.—*Concluded.*

| City. | Population. | 1890. Ratio per 1,000. | | 1891. Ratio per 1,000. | | 1892. Ratio per 1,000. | | 1893. Ratio per 1,000. | |
|---|---|---|---|---|---|---|---|---|---|
| | | All offences. | Drunkenness. | All offences. | Drunkenness. | All offences. | Drunkenness. | All offences. | Drunkenness. |
| *a*State of Iowa | | | | | | | | | |
| Keokuk | 15,600 | 81·69 | 19·14 | 70·78 | 12·78 | 54·94 | 12·02 | 66·79 | 15·38 |
| Des Moines | 66,000 | 48·73 | 19·16 | 53·01 | 18·42 | 55·75 | 18·55 | 58·95 | 18·32 |
| Sioux City | 49.200 | 72·02 | 19·91 | 60·50 | 18·02 | 68·02 | 19·43 | 73·39 | 16·59 |
| Cedar Rapids | 20,170 | 44·56 | 20·23 | 37·68 | 24·08 | 34·77 | 22·60 | 42·88 | 29·20 |
| Dubuque | 33,100 | 25·25 | 15·14 | 28·62 | 15·45 | 27·76 | 14·64 | 24·83 | 11·81 |
| Davenport | 30,000 | 21·88 | 1·93 | 38·02 | 4·53 | 48·85 | 6·75 | 43·76 | 3·03 |
| Clinton | 15,000 | 39·28 | 15·34 | 62·66 | 24·70 | 77·93 | 23·52 | 62·67 | 20·27 |
| Council Bluffs | 21,409 | 80·19 | 27·24 | 69·11 | 32·45 | 66·98 | 24·19 | ..... | ..... |
| *Canadian Cities and Towns.* | | | | | | | | | |
| Montreal | 235,000 | 43·64 | 14·20 | 39·21 | 12·93 | 32·17 | 11·36 | 29·20 | 10·38 |
| Toronto | 200,000 | 61·84 | 28·74 | 54·60 | 20·76 | 47·19 | 19·19 | 46·98 | 18·22 |
| Quebec | 64,000 | 17·03 | 10·90 | 14·12 | 7·73 | 12·90 | 7·68 | 11·46 | 6·75 |
| Hamilton | 52,000 | 54·32 | 17·59 | 42·37 | 8·73 | 38·05 | 7·13 | 36·73 | 6·83 |
| Ottawa | 48,000 | 23·80 | 12·71 | 18·86 | 9·17 | 16·38 | 8·03 | 12·10 | 5·45 |
| St. John, N. B | 39,000 | 44·03 | 26·57 | 42·82 | 26·28 | 40·62 | 23·32 | 39·48 | 24·15 |
| Halifax | 39,000 | 35·41 | 15·41 | 32·64 | 14·28 | 35·24 | 19·48 | 39·36 | 19·42 |
| London | 33,000 | 52·67 | 33·78 | 38·21 | 20·98 | 42·56 | 21·80 | 40·48 | 21·68 |
| Winnipeg | 30,000 | 33·37 | 22·42 | 31·00 | 19·69 | 34·06 | 22·98 | 32·15 | 19·66 |
| Kingston | 21,000 | 31·77 | 21·91 | 26·31 | 18·27 | 21·68 | 13·73 | 21·88 | 15·69 |
| Brantford | 13,000 | 69·86 | 15·98 | 58·73 | 13·01 | 62·62 | 17·11 | 68·59 | 16·26 |
| †Charlottetown | 11,000 | 25·00 | 21·75 | 33·93 | 28.31 | 21·93 | 20·70 | 25·87 | 17·48 |
| Hull | 12,000 | 16·07 | 6·16 | 11·36 | 4·70 | 10·97 | 3·37 | 17·84 | 6·88 |
| Guelph | 10,000 | 10·44 | 7·37 | 12·43 | 6·16 | 15·21 | 6·95 | 13·85 | 9·57 |
| St. Thomas | 10,000 | 34·35 | 6·93 | 20·92 | 5·49 | 24·24 | 3·01 | 25·46 | 6·11 |
| Sherbrooke | 10,000 | 31·64 | 18·64 | 26·80 | 16·32 | 28·90 | 16·50 | 26·60 | 20·30 |
| Belleville | 10,000 | 64·51 | 24·91 | 58·70 | 18·45 | 51·43 | 12·95 | 50·70 | 11·80 |
| Peterboro' | 10,000 | 41·06 | 15·80 | 42·20 | 10·90 | 38·10 | 8·20 | 36·89 | 9·32 |
| St. Catharines | 9,000 | 30·67 | 15·60 | 22·57 | 10·14 | 26·20 | 12·06 | 35·08 | 9·70 |
| Brockville | 9,000 | 26·06 | 16·03 | 21·15 | 14·10 | 24·32 | 14·34 | 30·98 | 18·02 |
| Moncton | 9,000 | 32·75 | 21·67 | 30·00 | 19·85 | 13·45 | 8·96 | ..... | ..... |
| Woodstock | 9,000 | 30·19 | 10·86 | 23·22 | 4·18 | 22·30 | 4·25 | 21·56 | 4·52 |
| Owen Sound | 8,000 | 48·40 | 10·43 | 38·01 | 8·02 | 42·29 | 6·66 | 34·03 | 5·17 |
| Berlin | 8,000 | 2·53 | 0·29 | 1·21 | ..... | 0·77 | ..... | 1·62 | 0·12 |
| Point Levi | 7,000 | 18·14 | 12·55 | 14·51 | 10·40 | 17·03 | 11·26 | 11·29 | 7·57 |
| ‡Fredericton | 7,000 | 37·95 | 14·40 | 39·21 | 12·76 | 38·32 | 16·48 | 46·29 | 21·18 |

*Report says :—"Not a single saloon in town."
†Scott Act in force 1890. Free sale 1891-2. Under police regulation July, 1892-93.
‡Scott Act in force.
*a*Prohibition. *b*License. *c*High License.

# APPENDIX No. 137.

STATEMENT of the total number of persons arrested during the undermentioned periods in the city of Bennington, Vt., and of the number arrested for drunkenness.

| Year. | Population. | Total arrests. | Ratio per 1,000. | Arrests for drunkenness. | Ratio per 1,000. |
|---|---|---|---|---|---|
| 1888 | 6,350 | 92 | 14·49 | 45 | 7·08 |
| 1889 | 6,370 | 110 | 17·26 | 41 | 6·43 |
| 1890 | 6,391 | 91 | 14·24 | 39 | 6·10 |
| 1891 | 6,416 | 256 | 39·90 | 94 | 14·65 |
| 1892 | 6,451 | 405 | 62·78 | 145 | 22·47 |
| 1893 | 6,500 | 283 | 43·54 | 71 | 10·92 |

# APPENDIX No. 138.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Battleboro, Vt., U.S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | ..... | 9 | ..... | 5 | ..... |
| 1889 | ..... | 8 | ..... | 4 | ..... |
| 1890 | ..... | 7 | ..... | 5 | ..... |
| 1891 | ..... | 10 | ..... | 6 | ..... |
| 1892 | ..... | 10 | ..... | 5 | ..... |
| 1893 | ..... | 11 | ..... | 6 | ..... |

NOTE—(Population in 1890, 6,862). Not a single saloon in town where beer or any intoxicating liquors are sold. Prohibition law enforced." (Sgd.) G. W. Hooker, chairman board.

# APPENDIX No. 139.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Burlington, Vermont, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 13,400 | 215 | 16·04 | 120 | 8·95 |
| 1889 | 13,855 | 180 | 12·99 | 96 | 6·92 |
| 1890 | 14,590 | 278 | 19·05 | 150 | 10·28 |
| 1891 | 14,900 | 420 | 28·19 | 168 | 11·27 |
| 1892 | 15,350 | 460 | 29·96 | 175 | 11·40 |
| 1893 | 15,815 | 513 | 32·43 | 164 | 10·37 |

# APPENDIX No. 140.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Rutland, Vermont, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888* | 11,925 | 375 | 31·44 | 103 | 8·63 |
| 1889* | 11,850 | 375 | 31·64 | 102 | 8·60 |
| 1890 | 11,760 | 195 | 16·58 | 52 | 4·42 |
| 1891 | 11,680 | 204 | 17·47 | 68 | 5·82 |
| 1892 | 11,595 | 281 | 24·23 | 85 | 7·33 |
| 1893 | 11,505 | 259 | 22·51 | 74 | 6·43 |

* Combined in returns.

# APPENDIX No. 141.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Portsmouth, New Hampshire, U.S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 9,790 | 916 | 93·56 | 736 | 75·17 |
| 1889 | 9,800 | 790 | 80·61 | 573 | 58·47 |
| 1890 | 9,827 | 699 | 71·13 | 507 | 51·59 |
| 1891 | 9,857 | 743 | 75·37 | 586 | 59·45 |
| 1892 | 9,950 | 675 | 67·83 | 486 | 48·84 |

# APPENDIX No. 142.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Rochester, New Hampshire, U.S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 6,740 | 81 | 12·01 | 26 | 3·85 |
| 1889 | 7,050 | 143 | 20·28 | 80 | 11·34 |
| 1890 | 7,396 | 70 | 9·46 | 27 | 3·65 |
| 1891 | 7,646 | 117 | 15·30 | 39 | 5·10 |
| 1892 | 7,850 | 139 | 17·70 | 88 | 11·21 |
| 1893 | 8,200 | 209 | 25·48 | 144 | 17·56 |

# APPENDIX No. 143.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Manchester, New Hampshire, U.S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1889 | 42,000 | 1,860 | 44·28 | 1,102 | 26·23 |
| 1890 | 44,126 | 1,906 | 43·19 | 1,230 | 27·87 |
| 1891 | 46,170 | 1,906 | 41·28 | 1,189 | 25·75 |
| 1892 | 48,270 | 2,264 | 46·90 | 1,526 | 31·61 |
| 1893 | 50,400 | 2,160 | 42·85 | 1,500 | 29·76 |

# APPENDIX No. 144.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Keene, New Hampshire, U.S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 7,250 | 109 | 15·03 | 76 | 10·48 |
| 1889 | 7,350 | 82 | 11·97 | 60 | 8·16 |
| 1890 | 7,446 | 129 | 17·31 | 110 | 14·77 |
| 1891 | 7,550 | 165 | 21·85 | 123 | 16·29 |
| 1892 | 7,665 | 254 | 33·13 | 225 | 29·35 |

# APPENDIX No. 145.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Concord, New Hampshire, U.S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 16,200 | 320 | 19·75 | 138 | 8·51 |
| 1889 | 16,650 | 545 | 32·73 | 252 | 15·13 |
| 1890 | 17,004 | 573 | 33·69 | 324 | 19·05 |
| 1891 | 17,500 | 691 | 39·48 | 400 | 22·85 |
| 1892 | 18,080 | 699 | 38·66 | 399 | 22·06 |

# APPENDIX No. 146.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Nashua, New Hampshire, U.S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 17,800 | 765 | 42·97 | 282 | 15·84 |
| 1889 | 18,450 | 1,209 | 65·52 | 527 | 28·56 |
| 1890 | 19,311 | 1,189 | 61·57 | 591 | 30·64 |
| 1891 | 20,200 | 1,244 | 61·58 | 752 | 37·22 |
| 1892 | 21,311 | 1,677 | 78·69 | 853 | 40·02 |

# APPENDIX No. 147.

STATEMENT of the total arrests for all offences, and arrests for drunkenness, in the city of Grand Rapids, Michigan, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 53,500 | 1,737 | 32·46 | 722 | 13·49 |
| 1889 | 57,000 | 1,849 | 32·43 | 787 | 13·80 |
| 1890 | 60,278 | 1,855 | 30·77 | 725 | 12·02 |
| 1891 | 63,778 | 1,746 | 27·37 | 603 | 9·45 |
| 1892 | 67,450 | 1,894 | 28·07 | 686 | 10·08 |
| 1893 | 71,300 | 1,843 | 25·84 | 712 | 9·98 |

# APPENDIX No. 148.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Saginaw, Michigan, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 42,500 | 2,059 | 48·44 | 747 | 17·57 |
| 1889 | 44,650 | 1,754 | 39·29 | 634 | 14·19 |
| 1890 | 49,322 | 2,624 | 56·64 | 1,063 | 22·94 |
| 1891 | 49,022 | 2,276 | 46·42 | 1,116 | 22·76 |
| 1892 | *51,800 | 2,162 | 41·73 | 781 | 15·07 |

* Year ended 22nd March.

# APPENDIX No. 149.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Bay City, Michigan, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 26,000 | 972 | 37·38 | 497 | 19·11 |
| 1889 | 26,950 | 1,156 | 42·88 | 550 | 20·40 |
| 1890 | 27,839 | 1,214 | 43·60 | 601 | 21·59 |
| 1891 | 28,839 | 1,188 | 41·19 | 593 | 20·56 |
| 1892 | 29,900 | 1,188 | 39·07 | 551 | 18·42 |
| 1893 | 31,000 | 1,140 | 36·77 | 617 | 19·90 |

# APPENDIX No. 150.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Detroit, Michigan, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 185,000 | 9,142 | 49·41 | 3,815 | 20·62 |
| 1889 | 195,200 | 8,746 | 44·80 | 3,451 | 17 62 |
| 1890 | 205,876 | 8,693 | 42·22 | 3,555 | 17·22 |
| 1891 | 214,876 | 8,720 | 40·58 | 2,816 | 13·11 |
| 1892 | 224,000 | 7,769 | 34·69 | 2,421 | 10·81 |

# APPENDIX No. 151.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Atchison, Kansas, for the undermentioned years.

| Year. | Population. 1889, 15,105. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1889 | 14,000 | 790 | 56·42 | ..... | ..... |
| 1890 | 13,963 | 1,024 | 73·33 | ..... | ..... |
| 1891 | 13,770 | 886 | 64·34 | ..... | ..... |
| 1892 | 13,570 | 858 | 63·22 | ..... | ..... |
| 1893 | 13,370 | 1,069 | 79·95 | 318 | 23·78 |

REMARKS ON RETURN.

A new chief of police and new officials, unable to give any statistics (*re* drunkenness.) The town being in debt, there is practically high license, the 25 joints being assessed from $10,000 to $12,000 a year.

# APPENDIX No. 152.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Fort Scott, Kansas, for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1890 | 11,946 | 620 | 51·90 | 202 | 16·90 |
| 1891 | 12,000 | 540 | 45·00 | 117 | 9·75 |
| 1892 | 12,000 | 435 | 36·25 | 96 | 8·00 |
| 1893 | 12,000 | 534 | 44·50 | 92 | 7·66 |

REMARKS ON RETURN.

In 1890 they tried to enforce the law. Since then they have allowed the joints, fining them $105 a month, each.

# APPENDIX No. 153.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Leavenworth, Kansas, for the undermentioned years.

| Year. | Population. 1880, 16,546. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 19,000 | 411 | 21·63 | 149 | 7·84 |
| 1889 | 19,400 | 388 | 20·00 | 199 | 10·25 |
| 1890 | 19,768 | 675 | 34·14 | 353 | 17·85 |
| 1891 | 20,140 | 684 | 33·96 | 264 | 13·10 |
| 1892 | 20,520 | 534 | 26·02 | 170 | 8·28 |
| 1893 | 20,900 | 601 | 28·75 | 260 | 12·44 |

REMARKS ON RETURN.

The soldiers' home and the fort account for much of the drunkenness. Public sentiment largely in favour of enforcement of prohibitory law.

# APPENDIX No. 154.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Wichita, Kansas, for the undermentioned years.

| Year. | Population. 1880, 4,911. | Total arrests. | Ratio per 1,000 of population. | sts | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1890 | 23,854 | ..... | ..... | ..... | ..... |
| 1893 | 30,500 | 2,030 | 66·55 | 587 | 19·24 |

REMARKS ON RETURN.

Can give information for 1893 only, as no correct record was kept by the clerk prior to that time. Police force organized in 1893, when they entered the new city hall. Old records not to be found.

# APPENDIX No. 155.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Topeka, Kansas, for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population |
|---|---|---|---|---|---|
| 1880 | 15,452 | 705 | 54·62 | *384 | 24·84 |
| 1888 | 27,500 | 1,205 | 43·81 | 228 | 8·29 |
| 1889 | 29,200 | 1,503 | 51·47 | 428 | 14·65 |
| 1890 | 31,007 | 1,678 | 54·11 | 391 | 12·61 |
| 1891 | 32,700 | 1,632 | 49·90 | 350 | 10·70 |
| 1892 | 34,500 | 1,577 | 45·71 | 332 | 9·62 |
| 1893 | 36,450 | 1,273 | 34·92 | 280 | 7·68 |

REMARKS ON RETURN.

*Probably convictions for drunkenness. Being the capital and being peopled with a better class has fewer common drunks.

(Letter from city clerk, 22nd January, 1894.)

# APPENDIX No. 156.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Kansas City, Kansas, for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 34,000 | 2,440 | 71·76 | 725 | 21·32 |
| 1889 | 36,200 | 2,666 | 73·64 | 664 | 18·34 |
| 1890 | 38,316 | 2,400 | 62·63 | 465 | 12·13 |
| 1891 | 40,350 | 2,538 | 62·89 | 421 | 10·43 |
| 1892 | 42,500 | 2,467 | 58·04 | 511 | 12·02 |
| 1893 | 45,000 | 2,091 | 46·46 | 418 | 9·28 |

REMARKS ON RETURN.

Joints are fined $50 for each offence. Population of Kansas City 1888 and 1889 estimated.

(Letter of chief of police, 26th February, 1894.)

# APPENDIX No. 157.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Beatrice, Nebraska, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1890 | 13,836 | 80 | 5·78 | 37 | 2·68 |
| 1891 | 15,600 | 53 | 3·39 | 48 | 3·08 |
| 1892 | 17,450 | 120 | 6·88 | 45 | 2·58 |
| 1893 | 19,300 | 50 | 2·59 | 40 | 2·07 |

# APPENDIX No. 158.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Omaha, Nebraska, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 119,900 | 12,543 | 104·61 | 2,562 | 21·36 |
| 1889 | 130,400 | 8,449 | 64·79 | 2,012 | 15·42 |
| 1890 | 140,452 | 8,113 | 57·76 | 2,235 | 15·91 |
| 1891 | 151,000 | 7,281 | 48·21 | 1,659 | 10·98 |
| 1892 | 162,000 | 6,507 | 40·16 | 1,682 | 10·38 |
| 1893 | 173,000 | 6,246 | 36·10 | 1,586 | 9·16 |

# APPENDIX No. 159.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of St. Paul, Minnesota, U. S., for the undermentioned years :.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 124,000 | 6,862 | 55·21 | 2,368 | 19·09 |
| 1889 | 128,700 | 7,098 | 55·15 | 2,434 | 18·91 |
| 1890 | 133,156 | 5,277 | 39·63 | 2,086 | 15·66 |
| 1891 | 138,086 | 5,346 | 38·71 | 1,982 | 14·38 |
| 1892 | 143,190 | 4,840 | 33·80 | 1,700 | 11·87 |
| 1893 | 148,500 | 6,128 | 41·27 | 1,790 | 12·05 |

# APPENDIX No. 160.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Minneapolis, Minnesota, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 146,200 | 6,039 | 41·30 | 2,647 | 18·10 |
| 1889 | 158,500 | 6,132 | 38·69 | 2,588 | 16·33 |
| 1890 | 164,738 | 5,216 | 31·66 | 2,274 | 13·19 |
| 1891 | 178,700 | 5,156 | 28·85 | 1,963 | 10·98 |
| 1892 | 190,900 | 5,966 | 31·40 | 2,455 | 12·92 |
| 1893 | 200,000 | 6,376 | 31·88 | 2,502 | 12·51 |

# APPENDIX No. 161.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Keokuk, Iowa, U.S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 13,290 | 974 | 73·28 | 184 | 13·84 |
| 1889 | 13,685 | 995 | 72·70 | 258 | 18·85 |
| 1890 | 14,101 | 1,152 | 81·69 | 270 | 19·14 |
| 1891 | 14,551 | 1,030 | 70·78 | 186 | 12·78 |
| 1892 | 15,051 | 827 | 54·94 | 181 | 12·02 |
| 1893 | 15,601 | 1,042 | 66·79 | 240 | 15·38 |

# APPENDIX No. 162.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Des Moines, Iowa, U.S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1887 | 36,500 | 1,137 | 31·15 | 500 | 13·69 |
| 1888 | 39,100 | 1,460 | 37·84 | 517 | 13·22 |
| 1889 | 44,500 | 1,406 | 31·59 | 500 | 11·24 |
| 1890 | * 50,093 | 2,441 | 48·73 | 940 | 19·16 |
| 1891 | 55,100 | 2,921 | 53·01 | 1,015 | 18·42 |
| 1892 | 60,000 | 3,345 | 55·75 | 1,113 | 18·55 |
| 1893 | 66,000 | 3,891 | 58·95 | 1,209 | 18·32 |

*In 1890, 46 square miles added to city, with about 10,000 population.

# APPENDIX No. 163.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Sioux City, Iowa, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1889 | 33,660 | 1,380 | 40·99 | 584 | 17·34 |
| 1890 | 37,806 | 2,723 | 72·02 | 753 | 19·91 |
| 1891 | 41,600 | 2,517 | 60·50 | (Estd) 750 | 18·02 |
| 1892 | 45,400 | 3,088 | 68·02 | 882 | 19·43 |
| 1893 | 49,200 | 3,611 | 73·39 | 816 | 16·59 |

# APPENDIX No. 164.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Cedar Rapids, Iowa, U. S., for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 15,850 | 945 | 59·62 | 374 | 23·59 |
| 1889 | 17,100 | 762 | 44·56 | 346 | 20·23 |
| 1890 | 18,020 | 679 | 37·68 | 434 | 24·08 |
| 1891 | 19,070 | 663 | 34·77 | 431 | 22·60 |
| 1892 | 20,170 | 865 | 42·88 | 589 | 29·20 |

# APPENDIX No. 165.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Dubuque, Iowa, for the undermentioned years.

| Year. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 28,480 | 874 | 30·69 | 504 | 17·69 |
| 1889 | 29,350 | 698 | 23·78 | 446 | 15·19 |
| 1890 | 30,311 | 764 | 25·25 | 459 | 15·14 |
| 1891 | 31,200 | 893 | 28·62 | 482 | 15·45 |
| 1892 | 32,160 | 893 | 27·76 | 471 | 14·64 |
| 1893 | 33,100 | 822 | 24·83 | 391 | 11·81 |

# APPENDIX No. 166.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the city of Davenport, Iowa, U.S., for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 25,200 | 600 | 23·80 | 12 | 0·47 |
| 1889 | 26,000 | 644 | 24·76 | 7 | 0·27 |
| 1890 | 26,872 | 588 | 21·88 | 52 | 1·93 |
| 1891 | 27,800 | 1,057 | 38·02 | 126 | 4·53 |
| 1892 | 28,720 | 1,403 | 48·85 | 194 | 6·75 |
| 1893 | 30,000 | 1,313 | 43·76 | 91 | 3·03 |

# APPENDIX No. 167.

STATEMENT of the total arrests for all offences and arrests for drunkenness, in the city of Clinton, Iowa, for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 12,860 | 276 | 21·46 | 107 | 8·32 |
| 1889 | 13,200 | 278 | 21·06 | 113 | 8·56 |
| 1890 | 13,619 | 535 | 39·28 | 209 | 15·34 |
| 1891 | 14,044 | 880 | 62·66 | 347 | 24·70 |
| 1892 | 14,500 | 1,130 | 77·93 | 341 | 23·52 |
| 1893 | 15,000 | 940 | 62·67 | 304 | 20·27 |

# APPENDIX No. 168.

STATEMENT of the total arrests for all offences and arrests for drunkenness in the the city of Council Bluffs, Iowa, for the undermentioned years.

| Years. | Population. | Total arrests. | Ratio per 1,000 of population. | Arrests for drunkenness. | Ratio per 1,000 of population. |
|---|---|---|---|---|---|
| 1888 | 21,520 | 1,815 | 84·34 | 736 | 34·20 |
| 1889 | 21,500 | 1,863 | 86·65 | 598 | 27·81 |
| 1890 | 21,474 | 1,722 | 80·19 | 585 | 27·24 |
| 1891 | 21,444 | 1,482 | 69·11 | 696 | 32·45 |
| 1892 | 21,409 | 1,434 | 66·98 | 518 | 24·19 |
| 1893 | ..... | 1,081 | ..... | 378 | ..... |

NOTE.—Year ends 1st March 1894, consequently figures shown for 1893 are only for ten months.

# APPENDIX No. 169.

EXTRACT from the inaugural address of Governor Daniel F. Davis to the legislature of the state of Maine, 5th February, 1880:—

"All agree that intemperance is one of the worst evils that can afflict a people. The way to eradicate it is a question that should address itself to all classes. The women's temperance movement, the reform clubs and the other temperance organizations have accomplished a great and lasting work. Like all other evils intemperance will succumb, at least in part, to true moral force, well directed. It is to be regretted, however, that there are those whom moral forces will not reach. To restrain this class, prohibitory laws have been found necessary. The principle of prohibition has been so long the settled policy of the state, and has been found so useful and effective in suppressing the liquor traffic, that no party or class of men now dare assail it. A proper and vigorous enforcement of the law upon this subject is reasonably demanded by the friends of temperance. None of the agencies which can be invoked for the suppression of intemperance should be impaired."

Extract from the inaugural address of Frederick Robie, Esq., Governor, to the legislature of the state of Maine, January 4th, 1883:—

"Temperance has been for many years one of the leading public questions and has enlisted the service of many of the best men and women of our state. Prohibition had been prominent in the politics of the state; and, after an active agitation through many years, the Maine law was adopted in 1851. The evidence is unmistakable that a majority of our people favour the policy of prohibition, and there are few localities which do not favour a wise and impartial enforcement of all law relating thereto. There has undoubtedly been a difference of opinion among good and conscientious citizens in regard to the best mode of eradicating intemperance, but there are few who are unwilling to admit that there has been a wonderful change for the better in public sentiment where the law has been rigidly enforced. In a large part of the state, embracing more than three-fourths of our population, the liquor traffic is practically unknown. It lingers on a small scale, and more or less secretly, in our larger towns and cities, producing in them the evils which inevitably arise from it wherever it exists.

"The successful party at the recent election affirmed the principles of prohibition in its resolutions, and also recommended that the people of our state be allowed the opportunity of expressing an opinion at the polls, on a constitutional amendment, which, if adopted, will make prohibition a part of the organic law of the state. Kansas and Iowa, by a vote of the people, have incorporated prohibition into their respective constitutions, and a very active agitation is now in progress in many other states to the same end. The right of the people to determine for themselves what is most conducive to their interests is in accord with the theory of popular government. Furthermore, constitutional prohibition would have the effect of keeping the question, to a considerable extent, if not entirely, out of party politics. In view of these facts, the legislature will be called upon by petition and otherwise, as it has already been asked by the voice of the sovereign people, to submit to them the determination of this question. It is your province to consider this request, and, whatever may be the final result, let the voice of the people be the law of the land."

Extract from the inaugural address of Governor Robie, 8th January, 1885:—

"By a resolve of the last legislature, an amendment to the constitution of the state, so as to make the sale of intoxicating liquors forever prohibited by the provisions of that instrument, was submitted to the voters of Maine at the election last September, and the return of 70,783 votes for its adoption, and 23,811 votes against

it, indicates an emphatic declaration on the part of the people in favour of prohibition. That amendment became part of the constitution on the first Wednesday of the present month. The constant agitation of the subject of temperance has created a firm adherence of the people of our state to the principles of prohibition. I am able to say that during the past year, there have been 818 prosecutions for violating the liquor law, and 163 prosecutions for maintaining nuisances, making a total of 981 cases, against an average of 588 for the past six years. And this increased number of prosecutions has had a good influence upon the amount of other crime in the state. Our example has been potent in the promotion of temperance reform in other states, and the 'Maine law' which in earlier times was looked upon as premature, or too progressive legislation, is now pointed to with pride by the faithful advocates of temperance, not only at home, but in foreign countries. Its claim for public support rests upon its good effects in our own state and wherever else it has been adopted. The value of the prohibitory law has been shown by the restrictions imposed upon the sale of intoxicating liquors throughout the state. Statistics furnish us with conclusive evidence that far less intoxication and its fruitful evil consequences exist, than were seen in earlier periods. In no city or town in our state does one see the open advertisements of the bar-room inviting the young, as well as old, to indulge in a habit so degrading as the habitual use of intoxicating liquors. Criminal statistics show that the law has been beneficial in restraining crime, and the number of indictments found against the violators of the law in all of our courts, and the fines and costs, or sentences of imprisonment imposed, prove the general willingness of the people to assist in its enforcement. The present prohibitory law is the growth of over thirty years, the original law of 1851, having been followed by thirty-nine statutes in reference to intoxication and the sale of intoxicating liquors. The present law may, therefore, be considered sufficient to cover all violations of its provisions than can possibly occur, and its weakness seems to be in its non enforcement by those officers whose duty it is to execute the laws of the state. The laws of the state are well defined and emphatic and should compel officers, not only by a sense of duty and honour, but by the religious regard for a sacred oath, to specially enforce the provisions of the prohibitory statute. In a very few localities, its general enforcement is disregarded. Special provisions have been incorporated into the law to remedy this negligence on the part of the county and municipal officers, and governor and council have frequently been called upon to appoint special constables to enforce it. In some cases such officers have been appointed, and always when needed and practicable. While I would not recommend the repeal of that portion of the law, I have failed to see its good effects even when an opportunity has been given to test it. An appointment of this kind brings with it an implied unpleasant censure and reprimand, not only to the officers, but to the citizens of the locality thus temporarily placed under the guardianship of the state. This is considered so offensive that county and municipal officers and citizens are too apt to fall back into inactivity and leave the state constable single handed, to execute, the law. Every endeavor should be made to secure the enforcement of the prohibitory law by the regularly chosen officers. Public sentiment has much to do with this question; the enforcement or non enforcement of prohibition in any locality depends upon the general disposition of the people. Prohibition is no longer a question for a political campaign; it is forever settled, and cannot be changed until the people give their consent. If anything further can be done to increase the sobriety and moralty of the people by temperance legislation, I hope it will receive your careful consideration. It should not be forgotten that too frequent changes destroy the efficiency and moral power of enforcing laws, and that 'no principle of criminal law is better settled than that the certainty of punishment is more important than severity.' One objection to the constabulary law could be removed by requiring state constables to give sufficient bonds for faithful performance of duty, as is required of all county and municipal officers of like character. Provisions should also be made for removal from office for good and sufficient reasons."

Extract from inaugural address of Governor Joseph R. Bodwell, to the legislature of the State of Maine, 6th January, 1887:—

"The question of the prohibition of the liquor traffic in Maine has engaged popular attention within the last year to a considerable extent. The agitation has resulted in a reaffirmation on the part of the people, at the polls, of their full faith in the prohibitory system, and of their desire to see the law fairly administered and properly enforced. The situation in the state respecting the law may be briefly and candidly stated. In from three-fourths to four-fifths of the towns of the state, the law is well enforced and has practically abolished the sale of spirituous and malt liquors as a beverage. In the larger cities and towns, on the seaboard and at railway centres, it has been found more difficult to secure perfect compliance with the law, but it can still be said that at very few points in the state is liquor openly sold. The offences against the law are in a large part clandestine, and therefore difficult to detect and expose by legal testimony. But it is a great moral gain when the liquor seller is driven from the light of day to secret places and to stealthy devices to carry on his hurtful and demoralizing traffic.

"Some of the more zealous friends of the temperance cause think that an increase of the penalties, especially for the first offence of liquor selling, would cure the admitted evil of imperfect enforcement, but the more prudent, and I think by far the larger number, are of the opinion that an increase of the penalty would do harm, rather than good. What is actually needed at the points named, is a sound public opinion to urge and uphold the enforcement of the law. Where that is wanting, the case is made difficult with the prohibitory law, and indeed it always is with every form of law. Perhaps an increase of penalty would, in the places referred to, enhance rather than diminish the evils of indifference and of hostility.

"It can, however, be said with satisfaction that even with this imperfect enforcement at certain points, the law has been of immeasurable value in reducing the liquor traffic, and has correspondingly increased the wealth of the state by increasing the sobriety of the people and saving the fruits of industry. One evil, inseparable from a law enacted after a strong popular contest, is that the prevailing side is looked to as the one to enforce its provisions, whereas every law should be as binding upon these who oppose its enactment as upon those who laboured for it. The experience of Maine for the last thirty years abundantly justifies the adoption of the prohibitory system, and it will be the duty of the legislature to add to its efficiency in whatever way, after full and impartial investigation, may be found practicable—always remembering that legal penalties must be kept inside, and not pressed beyond the bounds of public opinion."

Extract from the inaugural address of Governor Edwin C. Burleigh to the legislature of the State of Maine, 3rd January, 1889:—

"The great evils of the liquor traffic, the pernicious influence of the saloon upon the public morals, and the disorder and crime resulting from intemperance, have rendered restrictive and prohibitory legislation imperatively necessary in the opinion of a large majority of the people of the state. Both by constitutional provision and by statutory enactments, Maine has permanently prohibited the manufacture and sale of alcoholic liquors, except for medicinal and mechanical purposes. Long experience has demonstrated the wisdom and advantages of this policy. Yet like all other laws against public evils, that against the liquor traffic has its violators, those who wantonly disregard the interests of the community, and the authority of the state. This renders it necessary that those intrusted by the people with the enforcement of the laws should be prompt and faithful in the discharge of their sworn obligations. So long as it shall be incumbent upon me to discharge the duties of the executive of the state it will be my endeavour to enforce the laws with vigour and with impartiality. To successfully discharge my official duty in this connection, it is necessary that the governor should have the earnest and hearty aid of all other executive officers and the active co-operation of the people."

Extract from the inaugural address of Governor Burleigh, 8th January, 1891:—

"The past year has been an important one for the temperance interests of our state. For the first time since the adoption of the prohibitory amendment to our

constitution, the people of Maine have been afforded an opportunity to pronounce at the polls upon a movement looking to its repeal, and the substitution of the high license system. There was no uncertainty in their decision. By an emphatic majority they declared their belief that the best interests of temperance in this state, and the highest welfare of all our citizens demand the maintenance of prohibition.

"It cannot be denied that the law for the suppression of the liquor traffic is often violated, and that officials charged with its enforcement are frequently derelict in duty. But it is undoubtedly true that this condition of affairs is mostly confined to our cities and larger villages. In other places the law appears to have been faithfully and successfully administered. During the past two years I have personally written the officials in the various counties upon whom had devolved the duty of enforcing the law, urging the vital importance of the suppression of the dram shop. I did this that such officers might clearly understand that they would have the support of the executive department of the state in all their efforts to enforce prohibition.

"That the various officers of the state, upon whom devolves this duty, have accomplished a great deal in the enforcement of the law, is everywhere conceded. It is, nevertheless, necessary to the highest success of prohibition, that there should be in every community a strong temperance sentiment demanding a vigorous enforcement of the law and sustaining the officers in their efforts to secure it. When the sentiment against the liquor traffic is as universal and emphatic as against other forms of crime, the violations of the prohibitory law will be no more numerous than those of other penal enactments. That prohibition has accomplished a vast work for temperance in this state no candid man will deny. The liquor traffic is no longer respectable. It is under the ban of popular condemnation. Those who engage in it are criminals in the sight of the law. The open dram shop with its flaunting signs and alluring windows, is no longer a feature of our state. The rum-seller is forced into dark corners. He has been obliged like other criminals to resort to concealment and stealth, where, before the advent of prohibition, he pursued his traffic with openness and ostentation. The whole traffic has been forever relegated to the furtive ways of crime. It is not easy to estimate fully the great temperance work which this change has wrought in Maine. But there still remains much to be done in so educating the public sentiment that it shall everywhere insist upon the faithful enforcement of the laws. Maine stands, by the emphatic declaration of her citizens, in the very van of temperance states. In keeping her there, the friends of prohibition must spare no effort or shrink from no responsibility."

Extract from the inaugural address of Governor Henry B. Cleaves, to the legislature of the State of Maine, 1893:—

"The restraining influence of our laws upon the sale of intoxicating liquors, has had a marked and beneficial effect. The people of Maine have, repeatedly, re-affirmed their adherence to all reasonable provisions for the suppression of intemperance; and the educational, moral and religious influences constantly being exerted to maintain a healthful public sentiment, have had a controlling force in repressing the manufacture and sale of intoxicating liquors within our state. There must be an active public opinion in support of the laws; and whatever advance can be made in this direction will tend to lessen the blighting influences of intemperance, and command general approval."

# APPENDIX No. 170.

SAINT JOHN, N. B., 30th July, 1892.

To the Honorable the Commissioners
Appointed to enquire into the Liquor Traffic, &c.

GENTLEMEN,—I have to apologize for not answering your communication of 21st April last, before. The reason I did not do so is that I have been so busy that I have not had time. However, I have now to say that I have not sat in any criminal court of first instance, and therefore have no knowledge to enable me to answer the first question.

As to the second and third questions, if what is meant by the third question is, whether a law that would make it a crime to manufacture, sell, use or have alcoholic liquors or alcohol could be successfully carried out if enacted? I do not believe that such a law could or would be successfully carried out, and therefore such would, if enacted, produce no material reduction in the number of criminal offences, but would increase such of them as would arise from the breach of such a law.

As to the fourth question, I take it that what is meant is, whether drunkenness would have been more prevalent if the different laws that have hitherto been enacted, restricting the sale of intoxicating liquor, had not been passed and all persons had at all times been at liberty to sell, when, where and how they choose? I think that drunkenness must have been prevented to a considerable extent by such laws.

The only way that I can conceive that the restriction on the general right of sale by the license laws could have increased drunkenness is that the confining the sale to persons licensed under them may have induced the persons having such licenses to fit up saloons or places of pleasant resort and to take methods that have induced youths and inexperienced persons to resort to such places and thereby acquire an appetite for alcoholic drinks. I think that in a great majority of instances the substitution of the Scott Act for laws restricting the sale by license, as they existed in a great many places, has not resulted in benefit; but this result has not been uniform, but whenever that law has been brought into force in places in which public sentiment was nearly unanimous in favor of total abstinence it has, I think, done good.

I think a great deal of the injury is not so much from the sale as in the existence of attractive places in which it is sold and drank, and my belief is that more good can be done by a law forbidding the existence of such places and only allowing the sale under circumstances of great restriction, such as in packages labelled with a chemical analysis of its contents, and not allowing it to be drunk on the premises where sold, and that persons buying not being at liberty to sell again except under like regulation.

Whatever failure there has been to diminish drunkenness by enacting laws hitherto I can best give my idea of the cause by stating what in my opinion should be the direction of legislation in the future to further that purpose. I think such legislation should be directed to the education of the people as to the degradation and injury the use of alcoholic liquors as a beverage, would bring upon themselves and others and to impress upon them the consequent sin of the habit and to this end the general dissemination of information, particularly to the young, through the schools. The regulating and restricting the sale and use so that persons who sell will not fit up places to entice people, particularly the young, to drink and to secure the purchaser against noxious drugs by forcing the seller to give with the liquor a chemical analysis of it, and forbidding the use of drinking in the place of sale, pro-

viding an analytical chemist to whom any person could submit what has been sold to him with the result of his being furnished with an analysis of it and thus obtain evidence to convict a person who has not furnished a proper analysis.

I think also that drunkenness should be made a crime by law, to which however all persons charged therewith should be allowed to make the defence usual in criminal cases, that is, that he was insane, and I think a person so far gone as a drunkard that he has lost control of his will is insane, but when such a defence is made the court should be directed to treat the defendant as an insane man and direct the proper proceedings to be taken to put the control of his person and property under the care of his friends subject to the control of the courts. I think there has been hitherto too much sentimentalism on this subject. I think a drunkard should be treated as a criminal or an insane person, for if he is accountable he commits a crime against himself, society and his family; and if not accountable he is insane and our common humanity dictates that he should not be allowed to destroy himself, and his property, in his insanity.

But in the passing of laws to secure the community from the effects of this vice, I think, the legislature should take care not to put therein any provisions that are arbitrary or unjust or prevent the case being fairly tried. I think the main reason why some of the laws hitherto passed for this purpose have failed is because their arbitrary provisions have outraged the public sense of justice. I think many inexperienced persons in their honest zeal to rid the community of this scourge forget that it is the abuse, and not the proper use, of this dangerous article that is wrong.

Legislators should I think take into account that a man, as a general rule, will not be coerced by law from doing what his conscience tells him he has a perfect right to do, as in that case he thinks the passing of such a law is an act of tyranny. Inexperienced persons are apt to think that, because they have the power to put a law upon the statute book that others, whose conscience tells them not to obey it because it seems to them a violation of their right and who do not obey it, are necessarily intentionally evil and wicked, and they are prosecuted accordingly; and as a consequence people are made bad citizens and the peace of an otherwise harmonious community, perhaps, completely destroyed.

After a long experience I have come to the conclusion that it is extremely injurious to pass any law respecting the action of the community in regard to the propriety or impropriety of the conduct of its members where the consensus of opinion is not almost universally in its favour.

Persons are apt to think that matters in themselves harmless if moderately and properly indulged in can be successfully forbidden by law and ought to be so, when they realize the injury and misery inflicted when the same matters are immoderately used. This is the idea that was indulged in by the moralists when they discovered the injury caused by giving the rein to the animal passions; they treated those passions themselves as the evil and advocated the suppression of them, and it was only after the revolt of mankind against such teachings that it was made clear that morality was not the destruction but the regeneration of passions.

Laws may well be made to aid and give direction to an almost universal sentiment, but they are seldom useful and almost always dangerous if an attempt is made to carry them any further. To bring the community up to this point, can only be done by moral suasion or an appeal to the intelligence and moral sense of each individual.

Experience shows that, when the doing of a thing right and harmless in itself if used only in a proper manner, but is dangerous to the public because it is liable to be mis-used, before making a law forbidding the use of it at all there must be created an almost universal sentiment in favour of such a course. In such cases, in the nature of things, before men submit to be deprived of the use of a thing that they consider not only right but beneficial they would look to the legislature trying every means to prevent the injury by so treating the subject as to rid it of its dangerous character.

In what I have said, I think I have answered, as far as I can, the six first questions.

As to the seventh, I think the reduction in the number of establishments licensed to sell intoxicating liquors to the smallest possible number consistent with the ability of every person being able to obtain it under proper restrictions, would very much tend to diminish drunkenness in the community.

I have the honour to be,
Your obedient servant,
A. L. PALMER,
*A Justice of the Supreme Court of New Brunswick.*

# APPENDIX No. 171.

229 Simcoe St., Toronto, 30th October, 1893.

Sir,—In reply to your letter of October 27, I have to state that I cannot conveniently attend the Royal Commission on the liquor traffic.

I can however state briefly the little I have to say on the subject.

I am very strongly opposed to the enactment of any prohibitory law, although I should be very glad to see a material reduction in the number of liquor licenses granted in cities and towns, and I think much can be done to reform the present system, and thus materially lessening the facilities of temptation.

In forcing a prohibitory law on every community we outrage individual liberty in a most doubtful attempt to abolish the intemperate use of intoxicants.

I am one of those old fashioned people who humbly believe that He who made us and gave the vine to His creature over the fairest portions of His world, knows at least as much as the modern advocates of prohibition, as to what is good for men and what is a gift to be used and not abused, like all His other gifts.

It seems to me that with a frontier line of 3,000 miles it will be impossible to prevent the constant violation of any law of prohibition. We can anticipate the lamentable amount of smuggling and perjury likely to occur.

Some people may justly regard the prevalence of false swearing as a demoralizing evil as much to be dreaded as occasional over-indulgence in liquor.

Looking back on a long life, I am positive that drunkenness is in all classes of people materially on the decrease, and I shall be truly grieved if harsh legal restrictions on individual liberty will create a reaction of feeling and opinion.

I remain, sir, your obedient servant,
(Sgd.) JOHN H. HAGARTY.

# APPENDIX No. 172.

*Resolutions of the Free Baptist Conference of the Provinces of Nova Scotia and New Brunswick.*

The following resolution was adopted at the conference of the Free Baptist Church for the province of Nova Scotia, held in the year 1892:—

"Resolved, to forward the following address and resolution to the Royal Commission on Prohibition:—

"*To the Members of the Royal Commission on Temperance:*

"Honoured Sirs,—On behalf of the Free Baptist Conference of Nova Scotia, we enclose for your consideration and most respectful attention the enclosed resolution passed at our last general conference.

"Trusting that our long cherished desire and hope may soon be realized through the fruit of your labours,

"We are, &c.

"Resolved, 1. That we the Free Baptists of Nova Scotia, representing 6,000 inhabitants of their province, believe that the entire and immediate prohibition of the liquor traffic can alone satisfy the claims of righteousness, the needs of home and country, and conserve the highest interests of our Dominion.

"2. That we consider that prohibition is the only righteous solution of the perplexing problem and conflicting interests you have been called to consider, and that prohibition is the trend of legislative thought both on this continent and in Great Britain, as expressed in the moral forces of the church, in organized temperance societies, and by enlightened statesmanship. Three times the British parliament has endorsed the principle of "Local option," which aims at the suppression of the liquor traffic.

"3. We believe that in our own province, by the past restrictive legislation, the way has been prepared for prohibition, and to change to "high license" for the province at large, would be a destructive and fatal step, which would cause bitter and deadly antagonism.

"4. That in our opinion prohibition is the demand of the great body of the people of this province, and that such a law would be honoured and could be enforced.

"5. That we are opposed to all compensation in the suppression of the traffic, for in all the restrictive and suppressive legislation of the past in regard to the traffic in intoxicating liquors, compensation both in this province and the Dominion has been ignored.

"6. That as a great moral question we believe it should be considered free from political bias and party relations, and simply in the interests that we all deeply cherish, the welfare, blessedness and prosperity of our beloved Dominion."

The following is the presentment of the conference of the Free Baptist Church in New Brunswick, adopted 16th October, 1893.

"Resolved, That a copy of the report of the committee on temperance be presented to the Royal Commission on the Liquor Traffic, and that the Commission be respectfully requested to embody the same in their report of evidence, &c.

"The temperance reform is one of the striking features of present day civilization. Everywhere in Christendom consideration is being given to the effects of the liquor traffic on the physical, intellectual, social, moral and religious conditions of the people, and its relation to industrial and commercial interests; and everywhere conscience has been so quickened that the evils of the traffic are being realized as never before. There is, we are glad to believe, a growing spirit of revolt against

the tyranny of the traffic, and a strengthening purpose to have done with the bondage which, in the form of manifold evils, it has so long imposed on the individual, the home, the community, the nation. In our own country the conviction that the traffic should be absolutely prohibited grows, year by year, and we are hoping that soon the demand for prohibition will be with an emphasis that cannot be mistaken nor denied.

"That the record of this conference as to total abstinence and prohibition has never been equivocal, is gratifying.

"Before other denominations were dealing definitely with the question Conference was doing so, incurring, doubtless, a degree of ill-will, but being faithful in the face of all prejudice and opposition.

"The position of the denomination, declared in church covenant by oft repeated resolutions of Conference, from the pulpits and in the organ of the body, is:—

"(*a*). That every Free Baptist church member is a pledged total abstainer from all intoxicants.

"(*b*). That every member is required to give the help of his positive influence to temperance reform, and to further prohibitory legislation by every means in his power.

"(*c*). That it is the duty of every Free Baptist minister to give earnest advocacy from pulpit and platform, and in every way open to him, to temperance and prohibition.

"(*d*). That it is the duty of all good men, rising above selfish and party considerations, to give their support only to such candidates for representative positions as guarantee, by their character and pledges, that they will advocate and support temperance legislation.

"We reaffirm all previous declarations and resolutions of the conference on this vastly important question, and pledge ourselves anew to the fullest sympathy with and the most earnest endeavour on behalf of every movement to overthrow and destroy the liquor traffic. In political action we know no party as such. We are against any and every form of legalizing the deadly traffic; we desire its utter and absolute prohibition. We do not advise our people to support one or the other party, but to support, irrespective of party, men who are out-and-out prohibitionists. We do not desire the triumph of one or another party as such, but the triumph of Christian conscience in the delegalization and utter suppression of the hideous, hateful thing, which, established in our midst, makes such ghastly havoc.

"Reaffirming, with all possible emphasis, the position taken by conference from year to year, on this subject, we again declare that the attitude of Free Baptists is that of uncompromising opposition to the liquor traffic, and to every form of its legalization; and that we are pledged, in the most solemn manner, as a denomination, to do everything in our power to procure prohibition."

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